UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

In Reply
Refer to: Sheila Wiegman (W-1-1)

0 4 FEB 1987

Albert E. Cropley
President and General Manager
Star-Kist Samoa, Inc.
P.O. Box 368
Pago Pago, Tutuila
American Samoa 96799

Dear Mr. Cropley:

A National Pollutant Discharge Elimination System (NPDES) permit has been issued to the following discharger:

Star-Kist Samoa, Inc.
NPDES Permit No. AS0000019

The staff at the Environmental Protection Agency (EPA) has reviewed the NPDES permit application for this facility and has prepared a draft permit, in accordance with the Clean Water Act, as amended. The EPA has also published a public notice of its intent to issue a permit to the above discharger. After considering the expressed views of all interested persons and agencies, pertinent Federal statutes and regulations, the EPA, pursuant to 40 CFR 124, has prepared a final permit which does not differ significantly from the draft permit. Changes to the permit are discussed in the enclosed "Response to Comments."

The NPDES permit is hereby issued upon the date of signature and shall become effective 33 days from the date of mailing, unless there is a written request for an evidentiary hearing. Pursuant to 40 CFR 124.76, requests for an evidentiary hearing must state each of the legal or factual questions alleged to be at issue and must demonstrate one of the following for each issue being raised in the hearing request: that the issue was raised during the public comment period; that the issue was not reasonably ascertainable during the public comment period; or

the requester could not have reasonably anticipated the relevance or materiality of the issue during the comment period. Any request for an evidentiary hearing must be submitted within 33 days from the permit's signature date to Sheila Wiegman (W-1-1) at the above address.

The EPA will issue a decision to grant or deny an evidentiary hearing within 63 days of the permit's signature date. Also, the EPA will routinely deny any evidentiary hearing request which raises only legal issues. Any denial of a request for an evidentiary hearing may be appealed to the Administrator within 30 days of the date of notice of the denial.

If you have any questions regarding the procedures outlined above, please contact Sheila Wiegman of my staff at (415) 974-8270.

Sincerely,

Norman L. Lovelace, Chief
Office of Territorial Programs
Water Management Division

Enclosures

cc: Pati Faiai, Environmental Quality Commission
Jeffrey Naumann, Star-Kist Foods, Inc.
U.S. Army Corps of Engineers, HI
U.S. Dept. of Interior, HI
U.S. Fish and Wildlife Service, HI
U.S. National Marine Fisheries Service, HI

RESPONSE TO PUBLIC COMMENTS

Tuna Cannery Wastewater NPDES Permit No. AS0000019
Star-Kist Samoa

Public notice of EPA's tentative decision to issue this permit was provided in the Samoa News on August 29, 1986. One letter commenting on the proposed permit was received by EPA during the public comment period which closed on October 10, 1986. The comments in this letter were reviewed by EPA and considered in the formulation of the final determination regarding the proposed permit. Our response to the comments which were received is as follows:

Comment: The discharger requested that the authorized discharge at Outfall 002 include the following non-process streams: retort, scrubber, vapor recovery, condenser coolng, and any other non-contact cooling waters. The discharger cited a study which indicated that excess clean water volume impairs the efficiency of the wastewater treatment system.

Response: EPA agrees with the discharger that treatment efficiency may be impaired by the significant volumes of non-process streams. These streams, though, would violate American Samoa water quality standards for temperature. The discharger must first apply for and receive a zone of mixing for discharge of other than stormwater at Outfall 002. Part III.C.b. of the permit includes a reopener clause allowing the permit to be modified should the Government of American Samoa (ASG) grant the request for a zone of mixing. If possible, the permittee may wish to segregate the non-process streams from the process streams, by-passing the treatment plant, but still discharging through Outfall 001.

Comment: The discharger requested that stormwater not be included in Outfall 002, since it is believed that most of the runoff is from the Samoa Packing Company and other sources over which the discharger has little control.

Response: Pursuant to 40 CFR 122.26(a), discharges to the waters of the United States, including stormwater discharges, are required to have a National Pollutant

Discharge Elimination System (NPDES) permit. In general, parking lots are not considered plant-associated areas, and thus are exempt from having to have a NPDES permit. The possibility exists, however, that because of the physical layout of the plant, there is an opportunity for process water to commingle with the stormwater. The permit now requires that the discharger ensure that only stormwater is discharged through Outfall 002. Stormwater runoff from the permittee's facility shall not be contaminated by fish wastes activities, such as plant and dock washdown. This requirement has been established pursuant to 40 CFR 122.44(k)(3), best management practices. In addition, the permit has been revised to require only monitoring and to delete limits at Outfall 002.

Comment: The discharger requested that the requirement to monitor twice yearly for cadmium, chromium, lead, mercury, and zinc be on the "net limitation" basis, since these metals, with the exception of zinc, are not used in the plant.

Response: Even though no limits have been developed for these metals, monitoring is required to determine if limits should be developed. EPA agrees that the discharger should not be responsible for amounts of these metals not contributed by the cannery. Pursuant to 40 CFR 122.45(g)(3), the permit has been changed to require testing of the intake water at a point not influenced by the effluent, as well as testing of the effluent. This additional monitoring is required to determine the discharger's eligibility for credits.

Comment: The discharger requested that the compliance schedule be adjusted to allow for more receiving water monitoring after the segregation and barging of the high strength wastes.

Response: Compliance schedules are granted when necessary to allow compliance as soon as possible with requirements, such as water quality standards, which are issued or revised after recommencement of the discharge. The ASG adopted water quality standards in 1977 which were reviewed and approved in 1981 and in 1984, while the permit became effective in 1978. EPA recognizes that the discharger may need additional time with which to come into compliance with water quality standards. EPA believes, though, that four years is

sufficient time to achieve compliance with water quality standards. Accordingly, the permit has been changed to require compliance with water quality standards in four, instead of three, years.

In addition, six months after completion of segregation and barging of the high strength wastes, the discharger is required to submit a report which evaluates the alternatives for achieving compliance with water quality standards. Upon submission of the report and schedule, EPA will reopen and modify the permit as necessary.

Comment: The ASG requested that the canneries be required to conduct a current monitoring program as part of the alternative selection process required by Part I.B. of the permit.

Response: Pursuant to 40 CFR 124.53 and 40 CFR 124.54, the ASG, in its certification of this permit, included the above condition necessary to certify that the terms and conditions of this permit will assure compliance with American Samoa water quality standards. In addition to the steps outlined in Part I.B. of the permit, a current monitoring program is necessary to evaluate alternate discharge locations. The ASG needs this information before it can approve any alternate discharge location. Accordingly, the permit has been changed to add this monitoring requirement.

Permit No. AS0000019

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et. seq.; the "Act"),

Star-Kist Samoa, Inc.
P.O. Box 368
Pago Pago, Tutuila
American Samoa 96799

is authorized to discharge

tuna processing wastewater (discharge 001 at 14° 16' 37" S latitude, 170° 41' 10" W longitude)

storm water (discharge 002 at 14° 16' 37" S latitude, 170° 41' 12" W longitude)

from the Star-Kist Samoa Tuna Cannery located at Pago Pago, American Samoa to receiving waters named Pago Pago Harbor

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II and III hereof.

This permit shall become effective on March 8 , 1987.

This permit and the authorization to discharge shall expire at midnight, March 7 , 1992.

Signed this 3rd day of February , 1987

For the Regional Administrator

James E. Thompson

Acting Director
Water Management Division

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (based on a maximum production rate of 500 tons/day of seafood processed and an approximate flow rate of 2.08 MGD)

1. During the period beginning (March 8, 1987) and lasting through (March 7, 1988), the permittee is authorized to discharge from Outfall Serial No. 001 (tuna processing wastewater).

a. Such discharges shall be limited and monitored by the permittee as specified below:

	Discharge Limitations			Monitoring Requirements	
	loading		concentration in mg/l		
Effluent Characteristic	Monthly Average	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type
Flow (MGD)	(d)	(d)	-	Continuous	Continuous
Temperature (°F)	(d)	90	-	Continuous	Continuous
pH (Standard Units) (e)	Not less than 6.5 and not greater than 8.6			Continuous	Continuous
Total Suspended Solids (lbs/day)	3,300	8,300	(d)	Twice weekly	Composite
Total Suspended Solids (lbs/1000 lbs seafood)	3.3	8.3		Twice weekly	Calculated
Oil and Grease (a)(b) (lbs/day)	840	2,100	(d)	Twice weekly	Composite
Oil and Grease (a)(b) (lbs/1000 lbs seafood)	0.84	2.1	-	Twice weekly	Calculated
Total Nitrogen (b) (lbs/day)	(d)	(d)	(d)	Twice weekly	Composite
Total Phosphorus (b) (lbs/day)	(d)	(d)	(d)	Twice weekly	Composite

(a) The test procedure for the analysis of oil and grease shall comply with the method described in the manual of "Methods for Chemical Analysis of Water and Wastes," 1974, EPA, Methods Development and Quality Assurance Research Laboratory, page 229 (with written EPA approval for non-substantive changes) or an alternate procedure approved in accordance with the procedures specified in regulations published pursuant to Section 304(h) of the Act.

(b) Samples shall be taken concurrently.

(d) Reporting required only.

(e) The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and no individual excursions from the range of pH values shall exceed 60 minutes.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (based on a maximum production rate of 500 tons/day of seafood processed and an approximate flow rate of 2.08 MGD)

2. During the period beginning (March 8, 1988) and lasting through (March 7, 1991), the permittee is authorized to discharge from Outfall Serial No. 001 (tuna processing wastewater).

a. Such discharges shall be limited and monitored by the permittee as specified below:

	Discharge Limitations			Monitoring Requirements	
	loading		concentration in mg/l		
Effluent Characteristic	Monthly Average	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type
Flow (MGD)	(d)	(d)	-	Continuous	Continuous
Temperature (°F)	(d)	90	-	Continuous	Continuous
pH (Standard Units) (e)	Not less than 6.5 and not greater than 8.6			Continuous	Continuous
Total Suspended Solids (lbs/day)	3,300	8,300	(d)	Twice weekly	Composite
Total Suspended Solids (lbs/1000 lbs seafood)	3.3	8.3	-	Twice weekly	Calculated
Oil and Grease (a)(b) (lbs/day)	840	2,100	(d)	Twice weekly	Composite
Oil and Grease (a)(b) (lbs/1000 lbs seafood)	0.84	2.1	-	Twice weekly	Calculated
Total Nitrogen (b) (lbs/day)	2,200	4,300	(d)	Twice weekly	Composite
Total Phosphorus (b) (lbs/day)	440	750	(d)	Twice weekly	Composite

(a) The test procedure for the analysis of oil and grease shall comply with the method described in the manual of "Methods for Chemical Analysis of Water and Wastes," 1974, EPA, Methods Development and Quality Assurance Research Laboratory, page 229 (with written EPA approval for non-substantive changes) or an alternate procedure approved in accordance with the procedures specified in regulations published pursuant to Section 304(h) of the Act.

(b) Samples shall be taken concurrently.

(d) Reporting required only.

(e) The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and no individual excursions from the range of pH values shall exceed 60 minutes.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (based on a maximum production rate of 500 tons/day of seafood processed and an approximate flow rate of 2.08 MGD)

3. During the period beginning with (March 8, 1991) and lasting through (March 7, 1992), the permittee is authorized to discharge from Outfall Serial No. 001 (tuna processing wastewater).

a. Such discharges shall be limited and monitored by the permittee as specified below:

	Discharge Limitations			Monitoring Requirements	
	loading		concentration in mg/l		
Effluent Characteristic	Monthly Average	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type
Flow (MGD)	(d)	(d)	-	Continuous	Continuous
Temperature (°F)	(d)	85	-	Continuous	Continuous
pH (Standard Units) (e)	Not less than 6.5 and not greater than 8.6			Continuous	Continuous
Total Suspended Solids (lbs/day)	3,300	8,300	(d)	Twice weekly	Composite
Total Suspended Solids (lbs/1000 lbs seafood)	3.3	8.3	-	Twice weekly	Calculated
Oil and Grease (a)(b) (lbs/day)	840	2,100	(d)	Twice weekly	Composite
Oil and Grease (a)(b) (lbs/1000 lbs seafood)	0.84	2.1	-	Twice weekly	Calculated
Total Nitrogen (b)(c)	-	-	0.20	Twice weekly	Composite
Total Phosphorus (b)(c)	-	-	0.03	Twice weekly	Composite

(a) The test procedure for the analysis of oil and grease shall comply with the method described in the manual of "Methods for Chemical Analysis of Water and Wastes," 1974, EPA, Methods Development and Quality Assurance Research Laboratory, page 229 (with written EPA approval for non-substantive changes) or an alternate procedure approved in accordance with the procedures specified in regulations published pursuant to Section 304(h) of the Act.

(b) Samples shall be taken concurrently.

(c) Median monthly value may not exceed the given limitation. In addition, 10% of the sample results obtained during the month may not exceed 0.35 mg/l for total nitrogen, or 0.06 mg/l for total phosphorus.

(d) Reporting required only.

(e) The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and no individual excursions from the range of pH values shall exceed 60 minutes.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

4. During the period beginning with (March 8, 1987) and lasting through (March 7, 1992), the permittee is authorized to discharge from Outfall Serial No. 002 (storm water).

a. Such discharges shall be monitored by the permittee as specified below:

	Discharge Limitations			Monitoring Requirements	
	loading		concentration in mg/l		
Effluent Characteristic	Monthly Average	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type
Temperature (°F)	-	-	-	Twice Monthly	Composite
Turbidity (NTU)	-	-	-	Twice Monthly	Composite
Oil and Grease (a)(b)	-	-	-	Twice Monthly	Composite

b. The permittee shall ensure that the stormwater runoff from the permittee's facilities is not contaminated by fish wastes activities, including but not limited to, plant and dock washdown or thaw water on the dock.

(a) The test procedure for the analysis of oil and grease shall comply with the method described in the manual of "Methods for Chemical Analysis of Water and Wastes," 1974, EPA, Methods Development and Quality Assurance Research Laboratory, page 229 (with written EPA approval for non-substantive changes) or an alternate procedure approved in accordance with the procedures specified in regulations published pursuant to Section 304(h) of the Act.

(b) Samples shall be taken concurrently.

5. During the period beginning (March 8, 1987) and lasting through (March 7, 1992), the discharges from Outfall Serial No. 001 and Outfall Serial No. 002 shall also be limited as follows:

   a. There shall be no discharge of floating solids or visible foam in other than trace amounts.

   b. Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge of Outfall Serial No. 001 and Outfall Serial No. 002. Effluent samples shall be taken downstream from the treatment works prior to mixing with the receiving waters.

   c. There shall be no discharge of toxic substances that violate the water quality standards for the Territory of American Samoa.

   d. The discharge shall not cause objectionable odors at the surface of the receiving waters.

6. Toxic Substance Monitoring Program

   During the period beginning (March 8, 1987) and lasting through (March 7, 1992), the discharges from Outfall Serial No. 001 shall also be monitored as follows:

   Cannery supply water and cannery effluent at Outfall Serial No. 001 shall be sampled and reported twice yearly for cadmium, chromium, lead, mercury, and zinc. The supply water shall be sampled at a location not influenced by the effluent.

7. Current Monitoring Program

   The permittee, jointly with Samoa Packing Company (NPDES permit No. AS0000027), shall establish with the American Samoa Government a current monitoring program to obtain data necessary to evaluate alternate discharge locations.

8. Receiving Water Monitoring Program

The permittee, jointly with Samoa Packing Company (NPDES permit No. AS0000027), shall perform or cause to be performed, the following receiving water monitoring program established in Pago Pago Harbor.

Parameter	Units	Stations*	Frequency	Sample Type
Temperature	°C	5-13	Monthly	Discrete
pH	Standard Units	5-13	Monthly	Discrete
Dissolved Oxygen	mg/L	5-13	Monthly	Discrete
Suspended Solids	mg/L	5-13	Monthly	Discrete
Light Penetration	ft	5-13	Monthly	Discrete
Turbidity	NTU	5-13	Monthly	Discrete
Salinity	ppt	5-13	Monthly	Discrete
Total Nitrogen	ug/L	5-13	Monthly	Discrete
Total Phosphorus	ug/L	5-13	Monthly	Discrete

* The station locations shall be the historical stations designated by the American Samoa Environmental Protection Agency. These measurements shall be taken at 3- foot and 60-foot depths with the exception of Station 13 where measurements shall be taken at the 3-foot and 30-foot depths.

9. Quality Assurance/Quality Control

All waste material sampling procedures, analytical protocols, and quality assurance/quality control procedures shall be performed in accordance with guidelines specified by EPA Region 9. The following references shall be used by the permittee where appropriate:

a. EPA, 40 CFR 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act;

b. Tetra Tech, Inc. 1985. Summary of U.S. EPA-approved methods, standard methods and other guidance for 301(h) monitoring variables. Final program document prepared for the Marine Operations Division, Office of Marine and Estuarine Protection, U.S. Environmental Protection Agency. EPA Contract No. 68-01-693. Tetra Tech, Inc., Bellevue, Wa.; and

c. Tetra Tech, Inc. 1986. Quality assurance and quality control guidance for 301(h) monitoring programs. Final program document prepared for document prepared for the Marine Operations Division, Office of Marine and Estuarine Protection, U.S. Environmental Protection Agency. EPA Contract No. 68-01-3968. Tetra Tech, Inc., Bellevue, Wa.

B. SCHEDULE OF COMPLIANCE

1. The permittee shall submit a report to EPA and the American Samoa Government (ASG) which describes and evaluates the alternatives for achieving compliance with the water quality standards of American Samoa. The alternatives shall be those chosen by the permittee in consultation with the ASG and capable of achieving compliance with the water quality standards within four years of the effective date of this permit. The selection of alternatives shall reflect any decision made by the ASG on the permittee's pending application for a mixing zone under paragraph V.B of the water quality standards and may also assume, with the concurrence of the ASG, technical modifications to paragraph V.B.g. of the water quality standards regarding methodology for calculating mixing zones as they may relate to consideration of far field dilution. The report shall be submitted no later than 18 months after the effective date of this permit.

2. The permittee shall select one of the alternatives described in the report to be completed pursuant to I.B.1 and submit a schedule of implementation to EPA and ASG. The schedule shall specify, at a minimum:

   a. The chosen alternative.

   b. The date by which the permittee will apply to the ASG for a mixing zone, if a mixing zone would be needed to achieve compliance with the water quality standards.

   c. The date by which any necessary facility modifications and/or new facility construction will be commenced.

   d. The date by which the chosen alternative will be fully operational.

3. The schedule must be approved by both the EPA and ASG. Upon such approval, and notice and opportunity for public comment, the permit shall be reopened and modified to include schedule and the dates contained therein to bring the discharges into compliance with applicable water quality standards. The schedule shall be submitted no later than 24 months after the effective date of this permit.

4. The permittee shall comply with effluent limitations and conditions established in Parts I.A. and I.B.1.-I.B.3. in accordance with the following schedule of compliance.

   The permittee shall:

   a. Achieve compliance with the effluent limits established in Parts I.A.1., I.A.4., and I.A.5. by (March 8, 1987).

   b. Achieve compliance with the effluent limits established in Part I.A.2. by.....(March 7, 1988)

   c. Submit a report to EPA and Government of American Samoa confirming compliance with the Part I.A.2. effluent limits by....(March 21, 1988)

   d. Submit a report to EPA and Government of Samoa describing and evaluating alternatives for achieving within four years compliance with the water quality standards of American Samoa.....(October 5, 1988)

   e. Submit a schedule of implementation of the alternative selected in Part I.B.2 to EPA and Government of American Samoa.....(March 21, 1989)

   f. Submit a report to EPA and Government of American Samoa which evaluates progress towards achieving compliance with effluent limits necessary for achieving water quality standards set forth in Part I.A.3. by.....(March 21, 1990)

   g. Achieve compliance with the effluent limits necessary for achieving water quality standards set forth in Part I.A.3. by.....(March 7, 1991)

   h. Submit a report to EPA and Government of American Samoa confirming compliance with the effluent limits necessary for achieving water quality standards set forth in Part I.A.3. by.....(March 21, 1991)

C. MONITORING AND RECORDS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

3. Penalties for Tampering

The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

4. Reporting of Monitoring Results

Monitoring results obtained during the previous 3 months shall be summarized for each month and submitted quarterly on forms to be supplied by the Regional Administrator, to the extent that the information reported may be entered on the forms. The results of all monitoring required by this permit shall be submitted in such a format as to allow direct comparison with the limitations and requirements of this permit. Unless otherwise specified, discharge flows shall be reported in terms of the average flow over each 30-day period and the maximum daily flow over that 30-day period. Monitoring reports shall be postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on July 28, 1987.

Signed copies of these, and all other reports required herein, shall be submitted to the Regional Administrator and the Government of American Samoa at the following address:

Regional Administrator
Environmental Protection Agency
Region 9, Attn: W-1-1
215 Fremont Street
San Francisco, CA 94105

Executive Secretary
Environmental Quality Commission
Government of American Samoa
Tutuila, Pago Pago
American Samoa 96920

5. Definitions

a. The "monthly average" discharge means the total discharge by weight during a calendar month divided by the number of days in the month that the production or commercial facility was operating. Where less than daily sampling is required by this permit, the monthly average discharge shall be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.

b. The "daily maximum" discharge means the total discharge by weight during any calendar day.

c. A "discrete" sample means any individual sample collected in less than 15 minutes.

d. A "composite sample" means a combination of no fewer than eight individual samples obtained at equal time intervals over the production period of the day of sampling. The volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling.

e. "Seafood" means the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

7. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

8. Intermittent Discharge Monitoring

If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the permittee shall monitor and record data for all the characteristics listed in the monitoring requirements, after which the frequencies of analysis listed in the monitoring requirements shall apply for the duration of each such intermittent discharge. In no event shall the permittee be required to monitor and record data more often than twice the frequencies listed in the monitoring requirements.

9. Monitoring Modification

Monitoring, analytical, and reporting requirements may be modified by the Regional Administrator upon due notice.

10. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit for a period of at least three (3) years from the date of the sample, measurement, or report. This period may be extended by request of the Regional Administrator at any time.

11. Records Content

Records of monitoring information shall include:

a. The date, place, and time of sampling or measurements;

b. The individual(s) who performed the sampling or measurements;

c. The date(s) analyses were performed;

d. The individual(s) who performed the analyses;

e. The analytical techniques or methods used; and

f. The results of such analyses.

12. Inspection and Entry

The permittee shall allow the Regional Administrator, or the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location. If samples are taken, the permittee shall be given split samples upon request.

D. REPORTING REQUIREMENTS

1. Anticipated Noncompliance

The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliancw with permit requirements.

2. Compliance Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

3. Monitoring Reports

Monitoring results shall be reported at the intervals specified in Part I.C.4. of this permit.

4. Twenty-Four Hour Reporting of Noncompliance

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following shall be included as information which must be reported within 24 hours:

a. Any unanticipated bypass which exceeds any effluent limitation in the permit;

b. Any upset which exceeds any effluent limitation in the permit; and

c. Violation of a maximum daily discharge limitation for any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance, listed as such by the Regional Administrator in the permit to be reported within 24 hours.

5. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Part I.D.4. at the time monitoring reports are submitted. The reports shall contain the information listed in Part I.D.4.

6. Signatory Requirements

a. Applications. All permit applications shall be signed as follows:

(1) For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (b) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (a) the chief executive officer of the agency, or (b) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

b. Reports. All reports required by permits and other information requested by the Regional Administrator shall be signed by a person described in paragraph a. of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph a. of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and

(3) The written authorization is submitted to the Regional Administrator.

c. Changes to authorization. If an authorization under paragraph b. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph b. of this section must be submitted to the Regional Administrator prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing a document under paragraphs a. or b. of this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7. Duty to Provide Information

The permittee shall furnish to the Regional Administrator, within a reasonable time, any information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Regional Administrator upon request, copies of records required to be kept by this permit.

8. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

9. Penalties for Falsification of Reports

The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

10. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The alteration or addition to the permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR § 122.29 (b); or

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR § 122.42 (a)(1).

PART II

A. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxilliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Bypass of Treatment Facilities

a. Definitions

(1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which are reasonably expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations

The permittees may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c. and d. of this section.

c. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, he shall submit prior notice, if possible, at least 10 days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part I.D.4. (24-hour notice).

d. Prohibition of bypass

(1) Bypass is prohibited, and the Regional Administrator may take enforcement action against the permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxilliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices as required under paragraph c. of this section.

(2) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if he determines that it will meet the three conditions listed above in paragraph d.(1) of this section.

4. Upset Conditions

a. Definition

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent Limitations if the requirements of paragraph c of this section are met. No determination made during administrative review of claims that noncompliance was caused by an upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the the specific cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in Part I.D.4. (24-hour notice); and

(4) The permittee complied with any remedial measures required under Part II.B.4. (duty to mitigate).

d. Burden of proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

B. GENERAL CONDITIONS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

2. Duty to Comply with Toxic Effluent Standards

The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

3. Penalties for Violation of Permit Conditions

The Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or both.

4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or notification of planned changes and anticipated noncompliance, does not stay any permit condition.

6. Toxic Pollutants

Notwithstanding Part II.B.5. above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revoked and reissued or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

7. Transfers

This permit is not transferable to any person except after notice to the Regional Administrator. The Regional Administrator may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

8. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Regional Adminstrator.

9. Civil and Criminal Liability

Except as provided in permit conditions on "Bypasses" (Part II.A.3.) and "Upsets" (Part II.A.4.), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

10. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

11. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsiblities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

12. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property, or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

13. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

PART III

A. REAPPLICATION

If the permittee desires to continue an activity regulated by this permit after the expiration of the permit, the permittee must apply for and obtain a new permit.

B. NOTIFICATION REQUIREMENTS

The permittee must notify the Regional Administrator as soon as they know or have reason to believe:

(1) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(a) One hundred micrograms per liter (100 ug/l);

(b) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with §122.21 (g)(9).

C. REOPENER

After notice and opportunity for public comment, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

1. Violation of any terms or conditions of this permit;

2. The Government of American Samoa granting a zone of mixing;

3. The results of the study, alternative, and schedule required in Part I; or

4. Revisions to the American Samoa Water Quality Standards, including, but not limited to, revisions to the methodology used to determine compliance with water quality standards.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

In Reply
Refer to: Sheila Wiegman (W-1-1)

0 4 FEB 1987

Frank H. Hackmann
Associate Counsel
Ralston Purina Company
Checkerboard Square
St. Louis, Missouri 63164

Dear Mr. Hackmann:

A National Pollutant Discharge Elimination System (NPDES) permit has been issued to the following discharger:

Samoa Packing Company, Inc.
NPDES Permit No. AS0000027

The staff at the Environmental Protection Agency (EPA) has reviewed the NPDES permit application for this facility and has prepared a draft permit, in accordance with the Clean Water Act, as amended. The EPA has also published a public notice of its intent to issue a permit to the above discharger. After considering the expressed views of all interested persons and agencies, pertinent Federal statutes and regulations, the EPA, pursuant to 40 CFR 124, has prepared a final permit which does not differ significantly from the draft permit. Changes to the permit are discussed in the enclosed "Response to Comments."

The NPDES permit is hereby issued upon the date of signature and shall become effective 33 days from the date of mailing, unless there is a written request for an evidentiary hearing. Pursuant to 40 CFR 124.76, requests for an evidentiary hearing must state each of the legal or factual questions alleged to be at issue and must demonstrate one of the following for each issue being raised in the hearing request: that the issue was raised during the public comment period; that the issue was not reasonably ascertainable during the public comment period; or the requester could not have reasonably anticipated the relevance

or materiality of the issue during the comment period. Any request for an evidentiary hearing must be submitted within 33 days from the permit's signature date to Sheila Wiegman (W-1-1) at the above address.

The EPA will issue a decision to grant or deny an evidentiary hearing within 63 days of the permit's signature date. Also, the EPA will routinely deny any evidentiary hearing request which raises only legal issues. Any denial of a request for an evidentiary hearing may be appealed to the Administrator within 30 days of the date of notice of the denial.

If you have any questions regarding the procedures outlined above, please contact Sheila Wiegman of my staff at (415) 974-8270.

Sincerely,

Norman L. Lovelace, Chief
Office of Territorial Programs
Water Management Division

Enclosures

cc: Pati Faiai, Environmental Quality Commission
U.S. Army Corps of Engineers, HI
U.S. Dept. of Interior, HI
U.S. Fish and Wildlife Service, HI
U.S. National Marine Fisheries Service, HI

RESPONSE TO PUBLIC COMMENTS

Tuna Cannery Wastewater NPDES Permit No. AS0000027
Samoa Packing Company

Public notice of EPA's tentative decision to issue this permit was provided in the Samoa News on August 29, 1986. One letter commenting on the proposed permit was received by EPA during the public comment period which closed on October 10, 1986. The comments in this letter were reviewed by EPA and considered in the formulation of the final determination regarding the proposed permit. Our response to the comments which were received is as follows:

Comment: The discharger requested that the compliance schedule be adjusted to allow for more receiving water monitoring after the segregation and barging of the high strength wastes.

Response: Compliance schedules are granted when necessary to allow compliance as soon as possible with requirements, such as water quality standards, which are issued or revised after recommencement of the discharge. The ASG adopted water quality standards in 1977 which were reviewed and approved in 1981 and in 1984, while the permit became effective in 1978. EPA recognizes that the discharger may need additional time with which to come into compliance with water quality standards. EPA believes, though, that four years is sufficient time to achieve compliance with water quality standards. Accordingly, the permit has been changed to require compliance with water quality standards in four, instead of three, years.

In addition, six months after completion of segregation and barging of the high strength wastes, the discharger must submit a report which evaluates the alternatives for achieving compliance with water quality standards. Upon submission of the report and schedule, EPA will reopen and modify the permit as necessary.

The compliance schedule has also been adjusted to allow the discharger sufficient time to come into compliance with water quality standards. The discharger will now be required to comply with water quality standards at four, instead of three, years.

Comment: The ASG requested that the canneries be required to conduct a current monitoring program as part of the alternative selection process required by Part I.B. of the permit.

Response: Pursuant to 40 CFR 124.53 and 40 CFR 124.54, the ASG, in its certification of this permit, included the above condition necessary to certify that the terms and conditions of this permit will assure compliance with American Samoa water quality standards. In addition to the steps outlined in Part I.B. of the permit, a current monitoring program is necessary to evaluate alternate discharge locations. The ASG needs this information before it can approve any alternate discharge location. Accordingly, the permit has been changed to add this requirement.

Permit No. AS0000027

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et. seq.; the "Act"),

Samoa Packing Company, Inc.
Pago Pago, Tutuila
American Samoa 96799

is authorized to discharge

tuna processing wastewater (discharge 001 at 14° 16' 26.5" S latitude, 170° 41' 8" W longitude)

from the Samoa Packing Company Tuna Cannery located at Pago Pago, American Samoa to receiving waters named Pago Pago Harbor

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II and III hereof.

This permit shall become effective on March 8, 1987.

This permit and the authorization to discharge shall expire at midnight, March 7, 1992.

Signed this 3rd day of February, 1987.

For the Regional Administrator

James E. Thompson
Acting Director
Water Management Division

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (based on a maximum production rate of 320 tons/day of seafood processed and an approximate flow rate of 0.72 MGD)

1. During the period beginning with (March 8, 1987) and lasting through (March 7, 1988), the permittee is authorized to discharge from Outfall Serial No. 001 (tuna processing wastewater).

a. Such discharges shall be limited and monitored by the permittee as specified below:

	Discharge Limitations			Monitoring Requirements	
	loading		concentration in mg/l		
Effluent Characteristic	Monthly Average	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type
Flow (MGD)	(d)	(d)	-	Continuous	Continuous
Temperature (°F)	(d)	90	-	Continuous	Continuous
BOD5 (lbs/day)	(d)	(d)	(d)	Twice weekly	Composite
pH (Standard Units)(e)	Not less than 6.5 and not greater than 8.6			Continuous	Continuous
Total Suspended Solids (lbs/day)	2,100	5,300	(d)	Twice weekly	Composite
Total Suspended Solids (lbs/1000 lbs seafood)	3.3	8.3		Twice weekly	Calculated
Oil and Grease (a)(b) (lbs/day)	540	1,300	(d)	Twice weekly	Composite
Oil and Grease (a)(b) (lbs/1000 lbs seafood)	0.84	2.1	-	Twice weekly	Calculated
Total Nitrogen (b) (lbs/day)	(d)	(d)	(d)	Twice weekly	Composite
Total Phosphorus (b) (lbs/day)	(d)	(d)	(d)	Twice weekly	Composite

(a) The test procedure for the analysis of oil and grease shall comply with the method described in the manual of "Methods for Chemical Analysis of Water and Wastes," 1974, EPA, Methods Development and Quality Assurance Research Laboratory, page 229 (with written EPA approval for non-substantive changes) or an alternate procedure approved in accordance with the procedures specified in regulations published pursuant to Section 304(h) of the Act

(b) Samples shall be taken concurrently.

(d) Reporting required only.

(e) The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and no individual excursions from the range of pH values shall exceed 60 minutes.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (based on a maximum production rate of 320 tons/day of seafood processed and an approximate flow rate of 0.72 MGD)

2. During the period beginning (March 8, 1988) and lasting through (March 7, 1991), the permittee is authorized to discharge from Outfall Serial No. 001 (tuna processing wastewater).

a. Such discharges shall be limited and monitored by the permittee as specified below:

	Discharge Limitations			Monitoring Requirements	
	loading		concentration in mg/l		
Effluent Characteristic	Monthly Average	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type
Flow (MGD)	(d)	(d)	-	Continuous	Continuous
Temperature (°F)	(d)	90	-	Continuous	Continuous
BOD5 (lbs/day)	(d)	(d)	(d)	Twice weekly	Composite
pH (Standard Units)(e)	Not less than 6.5 and not greater than 8.6			Continuous	Continuous
Total Suspended Solids (lbs/day)	2,100	5,300	(d)	Twice weekly	Composite
Total Suspended Solids (lbs/1000 lbs seafood)	3.3	8.3	-	Twice weekly	Calculated
Oil and Grease (a)(b) (lbs/day)	540	1,300	(d)	Twice weekly	Composite
Oil and Grease (a)(b) (lbs/1000 lbs seafood)	0.84	2.1	-	Twice weekly	Calculated
Total Nitrogen (b) (lbs/day)	820	1,800	(d)	Twice weekly	Composite
Total Phosphorus (b) (lbs/day)	33	100	(d)	Twice weekly	Composite

(a) The test procedure for the analysis of oil and grease shall comply with the method described in the manual of "Methods for Chemical Analysis of Water and Wastes," 1974, EPA, Methods Development and Quality Assurance Research Laboratory, page 229 (with written EPA approval for non-substantive changes) or an alternate procedure approved in accordance with the procedures specified in regulations published pursuant to Section 304(h) of the Act.

(b) Samples shall be taken concurrently.

(d) Reporting required only.

(e) The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and no individual excursions from the range of pH values shall exceed 60 minutes.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (based on a maximum production rate of 320 tons/day of seafood processed and an approximate flow rate of 0.72 MGD)

3. During the period beginning with (March 8, 1991) and lasting through (March 7, 1992), the permittee is authorized to discharge from Outfall Serial No. 001 (tuna processing wastewater).

a. Such discharges shall be limited and monitored by the permittee as specified below:

	Discharge Limitations			Monitoring Requirements	
	loading		concentration in mg/l		
Effluent Characteristic	Monthly Average	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type
Flow (MGD)	(d)	(d)	-	Continuous	Continuous
Temperature (°F)	(d)	85	-	Continuous	Continuous
BOD5 (lbs/day)	(d)	(d)	(d)	Twice weekly	Composite
pH (Standard Units)(e)	Not less than 6.5 and not greater than 8.6			Continuous	Continuous
Total Suspended Solids (lbs/day)	2,100	5,300	(d)	Twice weekly	Composite
Total Suspended Solids (lbs/1000 lbs seafood)	3.3	8.3	-	Twice weekly	Calculated
Oil and Grease (a)(b) (lbs/day)	540	1,300	(d)	Twice weekly	Composite
Oil and Grease (a)(b) (lbs/1000 lbs seafood)	0.84	2.1	-	Twice weekly	Calculated
Total Nitrogen (b)(c)	-	-	0.20	Twice weekly	Composite
Total Phosphorus (b)(c)	-	-	0.03	Twice weekly	Composite

(a) The test procedure for the analysis of oil and grease shall comply with the method described in the manual of "Methods for Chemical Analysis of Water and Wastes," 1974, EPA, Methods Development and Quality Assurance Research Laboratory, page 229 (with written EPA approval for non-substantive changes) or an alternate procedure approved in accordance with the procedures specified in regulations published pursuant to Section 304(h) of the Act.

(b) Samples shall be taken concurrently.

(c) Median monthly value may not exceed the given limitation. In addition, 10% of the sample results obtained during the month may not exceed 0.35 mg/l for total nitrogen, or 0.06 mg/l for total phosphorus.

(d) Reporting required only.

(e) The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and no individual excursions from the range of pH values shall exceed 60 minutes.

4. During the period beginning with (March 8, 1987) and lasting through (March 7, 1992), the discharges from Outfall Serial No. 001 shall also be limited by the permittee as follows:

   a. There shall be no discharge of floating solids or visible foam in other than trace amounts.

   b. Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge of Outfall Serial No. 001. Effluent samples shall be taken downstream from the treatment works prior to mixing with the receiving waters.

   c. There shall be no discharge of toxic substances that violate the water quality standards for the Territory of American Samoa.

   d. The discharge shall not cause objectionable odors at the surface of the receiving waters.

5. Toxic Substance Monitoring Program

   During the period beginning (March 8, 1987) and lasting through (March 7, 1992), the discharges from Outfall Serial No. 001 shall also be monitored as follows:

   Cannery effluent shall be sampled and reported twice yearly at Outfall Serial No. 001 for cadmium, chromium, lead, mercury, and zinc.

6. Current Monitoring Program

   The permittee, jointly with Star-Kist (NPDES permit No. AS0000019), shall establish with the American Samoa Government a current monitoring program to obtain data necessary to evaluate alternate discharge locations.

7. Receiving Water Monitoring Program

   The permittee, jointly with Star-Kist (NPDES permit No. AS0000019), shall perform or cause to be performed, the following receiving water monitoring program established in Pago Pago Harbor.

Parameter	Units	Stations*	Frequency	Sample Type
Temperature	°C	5-13	Monthly	Discrete
pH	Standard Units	5-13	Monthly	Discrete
Dissolved Oxygen	mg/L	5-13	Monthly	Discrete
Suspended Solids	mg/L	5-13	Monthly	Discrete
Light Penetration	ft	5-13	Monthly	Discrete
Turbidity	NTU	5-13	Monthly	Discrete
Salinity	ppt	5-13	Monthly	Discrete
Total Nitrogen	ug/L	5-13	Monthly	Discrete
Total Phosphorus	ug/L	5-13	Monthly	Discrete

* The station locations shall be the historical stations designated by the American Samoa Environmental Protection Agency. These measurements shall be taken at 3- foot and 60-foot depths with the exception of Station 13 where measurements shall be taken at the 3-foot and 30-foot depths.

8. Quality Assurance/Quality Control

All waste material sampling procedures, analytical protocols, and quality assurance/quality control procedures shall be performed in accordance with guidelines specified by EPA Region 9. The following references shall be used by the permittee where appropriate:

a. EPA, 40 CFR 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act;

b. Tetra Tech, Inc. 1985. Summary of U.S. EPA-approved methods, standard methods and other guidance for 301(h) monitoring variables. Final program document prepared for the Marine Operations Division, Office of Marine and Estuarine Protection, U.S. Environmental Protection Agency. EPA Contract No. 68-01-693. Tetra Tech, Inc., Bellevue, Wa.; and

c. Tetra Tech, Inc. 1986. Quality assurance and quality control guidance for 301(h) monitoring programs. Final program document prepared for document prepared for the Marine Operations Division, Office of Marine and Estuarine Protection, U.S. Environmental Protection Agency. EPA Contract No. 68-01-3968. Tetra Tech, Inc., Bellevue, Wa.

B. SCHEDULE OF COMPLIANCE

1. The permittee shall submit a report to EPA and the American Samoa Government (ASG) which describes and evaluates the alternatives for achieving compliance with the water quality standards of American Samoa. The alternatives shall be those chosen by the permittee in consultation with the ASG and capable of achieving compliance with the water quality standards within four years of the effective date of this permit. The selection of alternatives shall reflect any decision made by the ASG on the permittee's pending application for a mixing zone under paragraph V.B of the water quality standards and may also assume, with the concurrence of the ASG, technical modifications to paragraph V.B.g. of the water quality standards regarding methodology for calculating mixing zones as they may relate to consideration of far field dilution. The report shall be submitted no later than 18 months after the effective date of this permit.

2. The permittee shall select one of the alternatives described in the report to be completed pursuant to I.B.1 and submit a schedule of implementation to EPA and ASG. The schedule shall specify, at a minimum:

   a. The chosen alternative.

   b. The date by which the permittee will apply to the ASG for a mixing zone, if a mixing zone would be needed to achieve compliance with the water quality standards.

   c. The date by which any necessary facility modifications and/or new facility construction will be commenced.

   d. The date by which the chosen alternative will be fully operational.

3. The schedule must be approved by both the EPA and ASG. Upon such approval, and notice and opportunity for public comment, the permit shall be reopened and modified to include schedule and the dates contained therein to bring the discharges into compliance with applicable water quality standards. The schedule shall be submitted no later than 24 months after the effective date of this permit.

4. The permittee shall comply with effluent limitations and conditions established in Parts I.A. and I.B.1.-I.B.3. in accordance with the following schedule of compliance.

   The permittee shall:

   a. Achieve compliance with the effluent limits established in Parts I.A.1., I.A.4., and I.A.5. by (March 8, 1987).

   b. Achieve compliance with the effluent limits established in Part I.A.2. by.....(March 7, 1988)

   c. Submit a report to EPA and Government of American Samoa confirming compliance with the Part I.A.2. effluent limits by....(March 21, 1988)

   d. Submit a report to EPA and Government of Samoa describing and evaluating alternatives for achieving within four years compliance with the water quality standards of American Samoa.....(October 5, 1988)

   e. Submit a schedule of implementation of the alternative selected in Part I.B.2 to EPA and Government of American Samoa.....(March 21, 1989)

   f. Submit a report to EPA and Government of American Samoa which evaluates progress towards achieving compliance with effluent limits necessary for achieving water quality standards set forth in Part I.A.3. by.....(March 21, 1990)

   g. Achieve compliance with the effluent limits necessary for achieving water quality standards set forth in Part I.A.3. by.....(March 7, 1991)

   h. Submit a report to EPA and Government of American Samoa confirming compliance with the effluent limits necessary for achieving water quality standards set forth in Part I.A.3. by.....(March 21, 1991)

C. MONITORING AND RECORDS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

3. Penalties for Tampering

The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

4. Reporting of Monitoring Results

Monitoring results obtained during the previous 3 months shall be summarized for each month and submitted quarterly on forms to be supplied by the Regional Administrator, to the extent that the information reported may be entered on the forms. The results of all monitoring required by this permit shall be submitted in such a format as to allow direct comparison with the limitations and requirements of this permit. Unless otherwise specified, discharge flows shall be reported in terms of the average flow over each 30-day period and the maximum daily flow over that 30-day period. Monitoring reports shall be postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on July 28, 1987.

Signed copies of these, and all other reports required herein, shall be submitted to the Regional Administrator and the Government of American Samoa at the following address:

Regional Administrator
Environmental Protection Agency
Region 9, Attn: W-1-1
215 Fremont Street
San Francisco, CA 94105

Executive Secretary
Environmental Quality Commission
Government of American Samoa
Tutuila, Pago Pago
American Samoa 96920

5. Definitions

a. The "monthly average" discharge means the total discharge by weight during a calendar month divided by the number of days in the month that the production or commercial facility was operating. Where less than daily sampling is required by this permit, the monthly average discharge shall be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.

b. The "daily maximum" discharge means the total discharge by weight during any calendar day.

c. A "discrete" sample means any individual sample collected in less than 15 minutes.

d. A "composite sample" means a combination of no fewer than eight individual samples obtained at equal time intervals over the production period of the day of sampling. The volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling.

e. "Seafood" means the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

7. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

8. Intermittent Discharge Monitoring

If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the permittee shall monitor and record data for all the characteristics listed in the monitoring requirements, after which the frequencies of analysis listed in the monitoring requirements shall apply for the duration of each such intermittent discharge. In no event shall the permittee be required to monitor and record data more often than twice the frequencies listed in the monitoring requirements.

9. Monitoring Modification

Monitoring, analytical, and reporting requirements may be modified by the Regional Administrator upon due notice.

10. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit for a period of at least three (3) years from the date of the sample, measurement, or report. This period may be extended by request of the Regional Administrator at any time.

11. Records Content

Records of monitoring information shall include:

a. The date, place, and time of sampling or measurements;

b. The individual(s) who performed the sampling or measurements;

c. The date(s) analyses were performed;

d. The individual(s) who performed the analyses;

e. The analytical techniques or methods used; and

f. The results of such analyses.

12. Inspection and Entry

The permittee shall allow the Regional Administrator, or the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location. If samples are taken, the permittee shall be given split samples upon request.

D. REPORTING REQUIREMENTS

1. Anticipated Noncompliance

The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliancw with permit requirements.

2. Compliance Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

3. Monitoring Reports

Monitoring results shall be reported at the intervals specified in Part I.C.4. of this permit.

4. Twenty-Four Hour Reporting of Noncompliance

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following shall be included as information which must be reported within 24 hours:

a. Any unanticipated bypass which exceeds any effluent limitation in the permit;

b. Any upset which exceeds any effluent limitation in the permit; and

c. Violation of a maximum daily discharge limitation for any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance, listed as such by the Regional Administrator in the permit to be reported within 24 hours.

5. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Part I.D.4. at the time monitoring reports are submitted. The reports shall contain the information listed in Part I.D.4.

6. Signatory Requirements

a. Applications. All permit applications shall be signed as follows:

(1) For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (b) the manager cf one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (a) the chief executive officer of the agency, or (b) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

b. Reports. All reports required by permits and other information requested by the Regional Administrator shall be signed by a person described in paragraph a. of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph a. of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative. may thus be either a named individual or any individual occupying a named position.) and

(3) The written authorization is submitted to the Regional Administrator.

c. Changes to authorization. If an authorization under paragraph b. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph b. of this section must be submitted to the Regional Administrator prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing a document under paragraphs a. or b. of this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7. Duty to Provide Information

The permittee shall furnish to the Regional Administrator, within a reasonable time, any information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Regional Administrator upon request, copies of records required to be kept by this permit.

8. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

9. Penalties for Falsification of Reports

The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under

this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

10. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The alteration or addition to the permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR § 122.29 (b); or

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR § 122.42 (a)(1).

PART II

A. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxilliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Bypass of Treatment Facilities

a. Definitions

(1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which are reasonably expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations

The permittees may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c. and d. of this section.

c. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, he shall submit prior notice, if possible, at least 10 days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part I.D.4. (24-hour notice).

d. Prohibition of bypass

(1) Bypass is prohibited, and the Regional Administrator may take enforcement action against the permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxilliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices as required under paragraph c. of this section.

(2) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if he determines that it will meet the three conditions listed above in paragraph d.(1) of this section.

4. Upset Conditions

a. Definition

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent Limitations if the requirements of paragraph c of this section are met. No determination made during administrative review of claims that noncompliance was caused by an upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the the specific cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in Part I.D.4. (24-hour notice); and

(4) The permittee complied with any remedial measures required under Part II.B.4. (duty to mitigate).

d. Burden of proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

B. GENERAL CONDITIONS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

2. Duty to Comply with Toxic Effluent Standards

The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

3. Penalties for Violation of Permit Conditions

Ihe Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or both.

4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or notification of planned changes and anticipated noncompliance, does not stay any permit condition.

6. Toxic Pollutants

Notwithstanding Part II.B.5. above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revoked and reissued or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

7. Transfers

This permit is not transferable to any person except after notice to the Regional Administrator. The Regional Administrator may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

8. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Regional Administrator.

9. Civil and Criminal Liability

Except as provided in permit conditions on "Bypasses" (Part II.A.3.) and "Upsets" (Part II.A.4.), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

10. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

11. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsiblities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

12. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property, or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

13. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

PART III

A. REAPPLICATION

If the permittee desires to continue an activity regulated by this permit after the expiration of the permit, the permittee must apply for and obtain a new permit.

B. NOTIFICATION REQUIREMENTS

The permittee must notify the Regional Administrator as soon as they know or have reason to believe:

(1) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(a) One hundred micrograms per liter (100 ug/l);

(b) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with §122.21 (g)(9).

C. REOPENER

After notice and opportunity for public comment, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

1. Violation of any terms or conditions of this permit;

2. The Government of American Samoa granting a zone of mixing;

3. The results of the study, alternative, and schedule required in Part I; or

4. Revisions to the American Samoa Water Quality Standards, including, but not limited to, revisions to the methodology used to determine compliance with water quality standards.

NE PROTECTION, RESEARCH AND SANCTUARIES ACT
OCEAN DUMPING PERMIT

AND TYPE: OD 87-01 Research

E: September 2, 1987

TE: March 2, 1988

DATE: January 2, 1988

OD 87-01 FINAL

	Star-Kist Samoa, Inc. P.O. Box 368 Pago Pago American Samoa 96799	Samoa Packing Co., Inc. P.O. Box 957 Pago Pago American Samoa 96799
	Star-Kist Samoa, Inc. P.O. Box 368 Pago Pago American Samoa 96799	Samoa Packing Co., Inc. P.O. Box 957 Pago Pago American Samoa 96799
TED AT:	Star-Kist Samoa, Inc. P.O. Box 368 Pago Pago American Samoa 96799	Samoa Packing Co., Inc. P.O. Box 957 Pago Pago American Samoa 96799

RTER: Azuma Maru No. 35
Pan Pacific Maritime, Inc.
Pago Pago, American Samoa

URE: Pago Pago Harbor, American Samoa

Permit authorizes the transportation and dumping
ers of certain material as described in the Special
tion pursuant to the Marine Protection, Research,
s Act of 1972 (33 U.S.C. 1401 et seq.), as amended,
eferred to as "the Act"), regulations promulgated
d the terms and conditions set forth below.

mit is being issued to determine whether dumping of
ll unreasonably degrade or endanger human health,
nities, or the marine environment, ecological
onomic potentialities [33 U.S.C. 1412a(1)(B)]. The
Protection Agency (EPA) has determined that the
it of the proposed project outweighs the potential
risks or other damage that may result from the
R 220.3(e)].

MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT
OCEAN DUMPING PERMIT

PERMIT NUMBER AND TYPE: OD 87-01 Research

EFFECTIVE DATE: September 2, 1987

EXPIRATION DATE: March 2, 1988

REAPPLICATION DATE: January 2, 1988

APPLICANTS:

Star-Kist Samoa, Inc.
P.O. Box 368
Pago Pago
American Samoa 96799

Samoa Packing Co., Inc.
P.O. Box 957
Pago Pago
American Samoa 96799

PERMITTEES:

Star-Kist Samoa, Inc.
P.O. Box 368
Pago Pago
American Samoa 96799

Samoa Packing Co., Inc.
P.O. Box 957
Pago Pago
American Samoa 96799

WASTES GENERATED AT:

Star-Kist Samoa, Inc.
P.O. Box 368
Pago Pago
American Samoa 96799

Samoa Packing Co., Inc.
P.O. Box 957
Pago Pago
American Samoa 96799

WASTE TRANSPORTER: Azuma Maru No. 35
Pan Pacific Maritime, Inc.
Pago Pago, American Samoa

PORT OF DEPARTURE: Pago Pago Harbor, American Samoa

This Research Permit authorizes the transportation and dumping into ocean waters of certain material as described in the Special Conditions section pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.), as amended, (hereinafter referred to as "the Act"), regulations promulgated thereunder, and the terms and conditions set forth below.

A research permit is being issued to determine whether dumping of a substance will unreasonably degrade or endanger human health, welfare or amenities, or the marine environment, ecological systems, or economic potentialities [33 U.S.C. 1412a(1)(B)]. The Environmental Protection Agency (EPA) has determined that the scientific merit of the proposed project outweighs the potential environmental risks or other damage that may result from the dumping [40 CFR 220.3(e)].

1. GENERAL CONDITIONS

1.1. Operation under this Ocean Dumping permit shall conform to all applicable Federal statutes and regulations including, but not limited to, the Act, the Clean Water Act (33 U.S.C. 1251 et seq.) and the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.)

1.2. All transportation and dumping authorized herein shall be undertaken in a manner consistent with the terms and conditions of this permit. The permittees designated above shall be liable for compliance with all such terms and conditions. The liability of the permittees is set forth in the Special Conditions and they are jointly responsible for compliance with the terms of this permit. The permittees shall be held jointly and severally liable under Section 105 of the Act (33 U.S.C. 1415) in the event of any violation of the permit.

1.3. Under Section 105 of the Act any person who violates any provision of the Act, 40 CFR 220 through 229 issued thereunder, or any term or condition of this permit shall be liable for a civil penalty of not more than $50,000 per day for each violation. Additionally, any knowing violation of the Act, 40 CFR 220 through 229 or the permit may result in a criminal action being brought with penalties of not more than $50,000 or one year in prison, or both. Violations of the Act or the terms and conditions of this permit include but are not limited to:

1.3.1. Transportation to, and dumping at any location other than that authorized by this permit;

1.3.2. Transportation and dumping of any material not identified in, more frequently than, or in excess of that identified in this permit, unless specifically authorized by a written modification hereto;

1.3.3. Failure to conduct permit monitoring as required in Special Conditions 3.1, 4.6 and 5.1; or

1.3.4. Failure to file waste stream and disposal site monitoring reports as required in Special Conditions 3.3, 4.6, 5.2 and 5.3.

1.4. Nothing contained herein shall be deemed to authorize, in any way, the transportation from the United States for the purpose of dumping into the ocean waters, into the territorial sea, or into the contiguous zone, the following material:

1.4.1. Radioactive wastes;

1.4.2. Materials, in whatever form, produced for radiological, chemical, or biological warfare; or

1.4.3. Persistent synthetic or natural materials which may float or remain in suspension in the ocean.

1.5. Nothing contained herein shall be deemed to authorize, in any way, violation of applicable American Samoa Water Quality Standards.

1.6. After notice and opportunity for a hearing, this permit shall be subject to revision, revocation or limitation, in whole or in part, subject only to the provisions of 40 CFR 222.3(b) through (h) and 40 CFR 223.2, as a result of a determination by the Regional Administrator of EPA that:

1.6.1. The cumulative impact of the permittees' dumping activities or the aggregate impact of all dumping activities in the dump site designated in Special Condition 2.2 should be categorized as Impact Category I, as defined in 40 CFR 228.10(c)(1);

1.6.2. There has been a change in circumstances relating to the management of the disposal site designated in Special Condition 2.2;

1.6.3. The dumping authorized by the permit would violate applicable American Samoa Water Quality Standards; or

1.6.4. The dumping authorized can no longer be carried out consistent with the criteria set forth in 40 CFR 227 and 228.

1.7. The permittees shall ensure at all times that facilities, including vessels, are in good working order and operate as efficiently as possible to achieve compliance with the terms and conditions of this permit. During all transportation and loading operations, there shall not be a loss of material to any waterway.

1.8. The permittees shall allow the Regional Administrator of EPA, the Commander of the Fourteenth U.S. Coast Guard District (USCG), the Executive Secretary of the American Samoa Environmental Quality Commission (EQC), and/or their authorized representatives:

1.8.1. To enter into, upon, or through the permittees' premises, vessels, or other premises or vessels under the control of the permittee, where, or in which, a source of material to be dumped is located or in which any records are required to be kept under the terms and conditions of this permit or the Act;

1.8.2. To have access to and copy any records required to be kept under the terms and conditions of this permit or the Act;

1.8.3. To inspect any dumping equipment, navigational equipment, monitoring equipment or monitoring methods required in this permit;

1.8.4. To sample or require that a sample be drawn, under EPA, USCG, or EQC supervision, of any materials discharged or to be discharged; and

1.8.5. To inspect laboratory facilities, data, and quality control records required for compliance with any condition of this permit.

1.9. If material which is regulated by this permit is disposed of, due to an emergency to safeguard life at sea in locations or in a manner not in accordance with the terms of this permit, the permittees shall make a full report, in accordance with the provisions of 18 U.S.C. 1001, within 15 days to the EPA Regional Administrator, the USCG and the EQC or their delegates detailing the conditions of this emergency and the actions taken, including the nature and amount of material disposed.

1.10. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of rights, nor any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by applicable law for the activity authorized.

1.11. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities, or, except as authorized by this permit, the undertaking of any work in any navigable waters.

1.12. Unless otherwise provided for herein, all terms used in this permit shall have the meanings assigned to them by the Act or 40 CFR 220 through 229, issued thereunder.

2. SPECIAL CONDITIONS - PERMIT LIMITATIONS

Permit limitations are required to define the length of the permit period, identify the dump site location, describe the waste materials and define maximum permitted limits for each waste material.

2.1. Location of Waste Generator and Permit Term

2.1.1. The material to be dumped shall consist of waste materials resulting from the operation of the permittees' fish canneries at Pago Pago Harbor, American Samoa.

2.1.2. This permit shall expire at midnight on March 2, 1988.

2.2. Location of Disposal Site

Transportation for the purpose of ocean dumping shall terminate at, and waste disposal shall be confined to a circular area with 1.5 nautical mile diameter centered at 14° 22' 11" South latitude by 170° 40' 52" West longitude.

2.3. Description of Material

2.3.1. During the term of this permit, and in accordance with all other terms and conditions of this permit, the permittees are authorized to transport for disposal into ocean waters quantities of waste material that shall not exceed the following amounts:

2.3.1.1. Star-Kist Samoa

Waste Material	Amount
Dissolved Air Floatation (DAF) Sludge	60,000 gallons/day
Precooker Water	100,000 gallons/day
Press Water	40,000 gallons/day
Total Maximum Daily Volume	200,000 gallons/day

2.3.1.2. Samoa Packing Company

Waste Material	Amount
Dissolved Air Floatation (DAF) Sludge	31,400 gallons/day
Precooker Water	13,300 gallons/day
Press Water	12,200 gallons/day
Total Maximum Daily Volume	56,900 gallons/day

2.3.1.3. Total Permitted Waste Material Discharges

Waste Material	Amount
Dissolved Air Floatation (DAF) Sludge	91,400 gallons/day
Precooker Water	113,300 gallons/day
Press Water	52,200 gallons/day
Total Maximum Daily Volume	256,900 gallons/day

2.3.2. The transportation for disposal of floatables, garbage, domestic trash, waste chemicals, and solid waste is prohibited.

2.4. Waste Material Limitations

2.4.1. Permitted Physical and Chemical Constituents

Fish Processing Waste Material	Total Permitted Daily Volume To Be Dumped	Permitted Maximum Concentration Per Constituent	
DAF Sludge[a]	91,400 gal/day	Tot. Sus. Solids	219,000 mg/L
		BOD_5	269,000 mg/L
		Total Phosphorus	26,629 mg/L
		Total Nitrogen	44,854 mg/L
		Oil and Grease	345,000 mg/L
Precooker Water[a]	113,300 gal/day	Tot. Sus. Solids	65,000 mg/L
		BOD_5	82,100 mg/L
		Total Phosphorus	1,160 mg/L
		Total Nitrogen	9,930 mg/L
Press Water[a]	52,200 gal/day	Tot. Sus. Solids	285,000 mg/L
		BOD_5	144,200 mg/L
		Total Phosphorus	3,810 mg/L
		Total Nitrogen	18,210 mg/L

a = Maximum Permitted Concentrations are assumed to be greatest if the vessel contains waste material only from the Star-Kist Samoa plant. Concentrations listed for each of the waste materials were provided by Star-Kist Samoa.

2.4.2. The pH range for all waste materials shall not be less than 5.5 pH units nor greater than 7.0 pH units.

2.4.3. The Permitted Maximum Concentration and pH limits, listed above, shall not be exceeded at any time during the term of this permit.

3. SPECIAL CONDITIONS - ANALYSIS OF WASTE MATERIAL

Compliance with the permitted maximum concentrations defined in Special Condition 2.4 shall be determined by monthly monitoring of each of the permittees' waste streams before the material is loaded into the disposal vessel. Additional analyses of fish processing wastes and reporting requirements are defined in this section. Sampling dates shall be scheduled within the first two weeks of the month to allow enough time for laboratory analysis and report writing in compliance with Special Condition 3.3.

3.1. Analyses of Waste Material

3.1.1. Concentrations of the constituents in Special Condition 2.4 shall be determined by pooling three replicate samples, taken on the day that sampling is scheduled, to be used as a composite sample.

3.1.2. In addition to Special Condition 3.1.1, the permittees shall measure the following parameters by pooling three replicate samples from each waste material to obtain a composite sample:

Parameter	Detection Limits
Bulk Density	0.01 g/mL
pH	0.1 pH units
Total Suspended Solids	10 mg/L
Total Volatile Solids	10 mg/L
BOD_5	10 mg/L
Total Phosphorus	1 mg/L
Total Nitrogen	1 mg/L
Ammonia	1 mg/L
Oil and Grease	5 mg/L
Aluminum	0.1 mg/L
Chromium	0.1 mg/L
Nickel	0.1 mg/L
Copper	0.1 mg/L
Lead	0.1 mg/L
Cadmium	0.1 mg/L
Mercury	0.01 mg/L
Total Petroleum Hydrocarbons[a]	50 ug/L
Total Pesticides	100 ug/L
Total PCBs	100 ug/L

a = Measured by infrared spectrophotometry (i.e., EPA Method 418.1)

3.1.3. All waste material sampling procedures, analytical protocols, and quality control/quality assurance procedures shall be performed in accordance with guidelines specified by EPA Region 9. The following references shall be used by the permittees where appropriate:

3.1.3.1. 40 CFR 136, EPA Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act;

3.1.3.2. Tetra Tech, Inc. 1985. Summary of U.S. EPA-approved methods, standard methods and other guidance for 301(h) monitoring variables. Final program document prepared for the Marine Operations Division, Office of Marine and Estuarine Protection, U.S. Environmental Protection Agency. EPA Contract No. 68-01-693. Tetra Tech, Inc., Bellevue, Wa. 18pp.; and

3.1.3.3. Environmental Protection Agency. 1987. Quality assurance and quality control for 301(h) monitoring programs: Guidance on field and Laboratory Methods. Office of Marine and Estuarine Protection, Washington, D.C. EPA 430/9-86-004.

3.1.4. Any waste material constituents listed in Special Condition 3.1.2 that are shown to be consistently nondetectable after the first three sampling periods, may be eliminated from further analytical tests. Before elimination of the parameter is permitted, the permittee shall obtain written approval from EPA Region 9 and the EQC.

3.2. Analytical Laboratory

3.2.1. Within 30 days of the effective date of this permit, the name and address of the designated laboratory or laboratories and a description of all analytical test procedures and quality assurance/quality control procedures, including detection limits being used, shall be provided for EPA Region 9 approval.

3.2.2. Any potential variation or change in the designated laboratory or analytical procedures shall be reported, in writing, for EPA Region 9 approval.

3.2.3. EPA Region 9 may require analyses of quality control samples by any laboratories employed for purposes of compliance with Special Condition 3.1 and Appendix A. Upon request, the permittee shall provide EPA Region 9 with the analytical results from such samples.

3.2.4. A complete analysis of constituents, required in Special Condition 3.1, shall be made by the permittee and reported to EPA Region 9 and the EQC whenever there is a change in the quality of the waste, process configuration, or waste treatment. If deemed necessary by EPA Region 9, bioassays shall be required in addition to constituent analyses.

3.3. Reporting

3.3.1. Each permittee shall provide EPA Region 9 and the EQC with a report for each month of the permit containing:

3.3.1.1. Daily volumes, reported in gallons/day, of each waste material removed from the permittees' facilities;

3.3.1.2. Monthly waste material analyses demonstrating that the waste materials being dumped comply with the permitted limits of constituents listed in Special Condition 2.4;

3.3.1.3. Monthly analyses of the additional parameters listed in Special Condition 3.1,

3.3.1.4. The monthly amount of coagulant polymer and alum added to the waste streams; and

3.3.2. Such reports shall be submitted to EPA Region 9 and the EQC within 30 days of the end of the preceding month for which they were prepared. The reports shall be submitted within this 30 day period unless extenuating circumstances, communicated to EPA Region 9 and the EQC in writing and approved by the agencies, necessitate a delay in reporting.

3.3.3. A summary report of all monthly reports listed in Special Condition 3.3.1, including a statistical analysis of parameter variability and a detailed discussion of the results of the monthly reports, shall be submitted by each permittee to EPA and the EQC 15 days after the permit expires.

3.3.4. Upon detection of a violation of any permit limitations, the permittee shall send a written notification of this violation to EPA Region 9 and the EQC within five working days and a detailed written report of the violation shall be sent to the agencies within 15 working days.

4. SPECIAL CONDITIONS - VESSEL OPERATIONS

Specification of vessel operations is required to limit dumping activities to the dump site identified in Special Condition 2.2 and to record all activities that occur at sea.

4.1. Posting of the Permit

This permit, or a true copy thereof, shall be placed in a conspicuous place on any vessel which will be used for the transportation and dumping authorized by this permit. If the dumping vessel is an unmanned barge, the permit or true copy of the permit shall be transferred to the towing vessel.

4.2. Vessel Identification

Every vessel engaged in the transportation of wastes for ocean disposal shall have its name and number painted in letters and numbers at least four inches high on both sides of the vessel. The name and number shall be kept distinctly legible at all times, and a vessel without such markings shall not be used to transport or dump waste material.

4.3. Disposal Rate and Vessel Speed

The disposal vessel/barge shall discharge the material authorized by this permit beginning near the center of the disposal site identified in Special Condition 2.2. The disposal operation shall be conducted at a rate of 140 gallons per minute per knot, not to exceed 1400 gallons per minute at a maximum speed of 10 knots, while moving in a circle with a radius less than or equal to 0.2 nautical miles.

4.4. Navigational Equipment

The permittees shall employ an onboard electronic positioning system (see reference below) to accurately fix the position of the disposal vessel during all dumping operations. This system is subject to advanced approval by EPA Region 9 and the U.S. Coast Guard Liaison Office (CGLO) Pago Pago 15 days after the effective date of the permit.

Environmental Protection Agency. 1987. Evaluation of survey positioning methods for nearshore marine and estuarine waters. Office of Marine and Estuarine Protection, Washington, D.C. EPA 430/9-86-003.

4.5. Permitted Times for Disposal Operations

Dumping operations shall be restricted to daylight hours, unless an emergency exists and written authorization is obtained from the CGLO Pago Pago or the EQC prior to departure. EPA Region 9 shall be notified no later than five working days after the emergency in a written report of the situation.

4.6. Reporting of the Ocean Dumping Vessel Operations

4.6.1. The waste transporter shall maintain and the permittees shall submit copies of a monthly transportation and dumping logbook, including plots of all relevant information requested in Special Condition 4.6.2, to EPA Region 9, CGLO Pago Pago, and the EQC within 30 days of the end of the preceeding month for which they were prepared. The report shall be submitted within this 30 day period unless

extenuating circumstances, communicated to EPA Region 9 and the EQC in a writing and approved by the agencies, necessitates a delay in reporting.

4.6.2. The logbook shall contain the following information for each waste disposal trip:

4.6.2.1. Permit number, date and serial trip number;

4.6.2.2. The time that loading of the vessel commences and ceases;

4.6.2.3. The time and navigational position that dumping commences and ceases;

4.6.2.4. A record of vessel speed and direction every 15 minutes during each dumping operation at the disposal site, and a plot on a navigational chart of the vessel's course;

4.6.2.5. Observe, note and plot the time and position of any floatable material;

4.6.2.6. Observe, note and plot the wind speed and direction every 30 minutes;

4.6.2.7. Observe and note wave height at the beginning and end of the disposal trip;

4.6.2.8. Observe, note and plot any unusual occurrences during the disposal trip; and

4.6.2.9. Observe, note and plot any other information relevant to the assessment of environmental impacts as a result of dumping activities.

5. SPECIAL CONDITIONS - DUMPSITE MONITORING

The monitoring program for disposal of wastes in the ocean must document short- and long-term effects of disposed wastes on the receiving waters, biota, and beneficial uses of the receiving waters; and determine compliance with permit terms and conditions. Once an adequate background database is established and predictable relationships among biological and physical variables are demonstrated, it may be appropriate to revise the monitoring program. Revisions may be made under the direction of EPA Region 9 at any time during the permit term, in compliance with 40 CFR 223.2 and 223.3. This may include a reduction or increase in the number or parameters to be monitored, the frequency of monitoring, the location of sample stations, or the number and size of samples to be collected.

5.1. Monitoring Program

The permittees are required to implement the EPA Region 9-specified monitoring program defined in Appendix A as a means of determining the environmental impacts of ocean dumping of the waste. Monitoring cruises shall be scheduled within the first two weeks of each month to allow enough time for laboratory analysis and report writing in compliance with Special Condition 5.2. Sampling days shall only be scheduled from Monday through Friday. The permittees shall notify the EQC at least 24 hours prior to any scheduled monitoring activities.

5.2. Monitoring Reports

Monthly site monitoring reports shall be submitted to EPA Region 9 and the EQC within 30 days of the end of the preceeding month for which the samples were taken. The reports shall be submitted within this 30-day time period unless extenuating circumstances, communicated to EPA Region 9 and the EQC in a writing and approved by the agencies, necessitate a delay in reporting.

The reports shall include: neatly compiled raw data for all sample analyses, a quality assurance/quality control package for the data, statistical analysis of sample variability between stations and within samples for appropriate parameters, and a discussion of the results.

5.3. Final Summary Report

5.3.1. A report summarizing all of the data collected during the waste material and dump site monitoring programs shall be submitted to EPA Region 9, the EQC and the U.S. Fish and Wildlife Service 15 days after the permit expires.

5.3.2. At a minimum, the summary report shall contain the following sections:

5.3.2.1. Introduction (including a brief summary of previous ocean disposal activities),

5.3.2.2. Location of Study Sites,

5.3.2.3. Materials and Methods,

5.3.2.4. Results and Discussion (including comparisons and contrasts with previous data related to disposal of fish processing wastes off American Samoa),

5.3.2.5. Conclusions,

5.3.2.6. References,

5.3.2.7. Raw Data Appendix, and

5.3.2.8. Quality Assurance/Quality Control Information.

5.4. Quality Assurance/Quality Control

All appropriate phases of the monitoring, sampling, and laboratory analytical procedures shall adhere to the EPA Region 9-specified protocols and references listed in Special Condition 3.1.4.

6. SPECIAL CONDITIONS - NOTICE TO REGULATORY AGENCIES

6.1. Notice of Sailing to U.S. Coast Guard

6.1.1. The waste transporter shall provide telephone notification of sailing to CGLO Pago Pago at 633-2299 or the EQC at 633-2304 during working hours (7:00 a.m. to 3:30 p.m.) no later than 24 hours prior to the estimated time of departure for the dump site designated in Special Condition 2.2.

6.1.2. The waste transporter shall immediately notify CGLO Pago Pago or the EQC upon any changes in the estimated time of departure greater than two hours.

6.1.3. Surveillance of activities at the dump site designated in Special Condition 2.2, may be accomplished by unannounced aerial overflights, a USCG shiprider and/or an EQC shiprider who will be on board the towing/conveyance vessel for the entire voyage. Within two hours after receipt of the initial notification the waste transporter will be advised as to whether or not a shiprider will be assigned to the

6.1.4. The following information shall be provided to CGLO Pago Pago or the EQC in the above-mentioned notification of sailing:

6.1.4.1. The time of departure,

6.1.4.2. Estimated time of arrival at the dump site,

6.1.4.3. Estimated time of departure from the dump site, and

6.1.4.4. Estimated time of return to port.

6.2. Reports and Correspondence

6.2.1. Three copies of all reports and related correspondence required by General Condition 1.8, Special Conditions 3.1, 3.2, 3.3, 4.4, 4.5, 4.6, 5.2, 5.3, and all other materials, including applications shall be submitted to EPA Region 9 at the following address:

Office of Territorial Programs (W-1-1)
U.S. Environmental Protection Agency, Region 9
215 Fremont Street
San Francisco, California 94105
Telephone (415) 974-7432

6.2.2. Two copies of all reports required by General Condition 1.8 and Special Conditions 4.4, 4.5, 4.6 and 6.1 sent to the U.S. Coast Guard shall be submitted to the following address:

Commanding Officer
U.S. Coast Guard Liaison Office
P.O. Box 249
Pago Pago
American Samoa 96799
Telephone 633-2299

6.2.3. Three copies of all reports required by General Condition 1.8 and Special Conditions 3.1, 3.2, 3.3, 4.4, 4.5, 4.6, 5.1, 5.2, 5.3 and 6.1 sent to the American Samoa Environmental Quality Commission shall be submitted to the following address:

Executive Secretary
American Samoa Environmental Quality Commission
Office of the Governor
Pago Pago
American Samoa 96799
Telephone 633-2682

6.2.4. One copy of the summary report required by Special Condition 5.3 shall be sent to the U.S. Fish and Wildlife Service at the following address:

Project Leader
Office of Environmental Services
U.S. Fish and Wildlife Service
300 Ala Moana Boulevard
P.O. Box 50167
Honolulu, Hawaii 96850

Signed this 2 day of September, 1987.

For the Regional Administrator

Harry Seraydarian
Director
Water Management Division

APPENDIX A

STAR-KIST SAMOA AND SAMOA PACKING COMPANY
OCEAN DUMPING RESEARCH PERMIT OD 87-01
JOINT OCEAN DUMP SITE MONITORING PLAN

1. MONITORING OF RECEIVING WATER

Movement of the waste plume shall be tracked during each monitoring cruise by the use of a transmissometer. The results of the first monitoring report will be evaluated by EPA Region 9 to determine whether Sections 1.1 and/or 1.3 need to be refined. The evaluation will be based on documented sampling results and recommendations of the permittees.

1.1. Location of Water Sampling Stations

1.1.1. On each sampling cruise, the latitude and longitude of all sampling stations shall be determined using appropriate navigational equipment.

1.1.2. The following sample stations shall be occupied on each sampling cruise (see Figure 1.1):

1.1.2.1. Station 1 - 1.85 Km (1.0 nautical miles) up current of Station 2 to be used as the control station,

1.1.2.2. Station 2 - Center of the dumping operation,

1.1.2.3. Station 3 - The area 20 meters downstream from the discharge point, as determined by the current meter measurments at Station 2, with two (2) transmittance profiles[a] 90° relative to the visual plume centerline, one (1) profile at the centerline, and two (2) profiles 270° relative to the visual plume centerline.

1.1.2.4. Station 4 - The area 50 meters downstream from the discharge point, as determined by the current meter measurements at Station 2, with two (2) transmittance profiles 90° relative to the visual plume centerline, one (1) profile at the centerline, and two (2) profiles 270° relative to the visual plume centerline.

1.1.2.5. Station 5 - The area 100 meters downstream from the discharge point, as determined by the current meter measurments at Station 2, with three (3) transmittance profiles 90° relative to the visual plume centerline, one (1) profile at the centerline, and three (3) profiles 270° relative to the visual plume centerline.

1.1.2.6. Station 6 - The area 200 meters downstream from the discharge point, as determined by the current meter measurements at station 2, with three (3) transmittance profiles 90° relative to the visual plume centerline, one (1) profile at the centerline, and three (3) profiles 270° relative to the visual plume centerline.

1.1.2.7. Station 7 - The area 1400 meters downstream from the discharge point, as determined by the current meter measurements at station 2, with four (4) transmittance profiles 90° relative to the visual plume centerline, one (1) profile at the centerline, and four (4) profiles 270° relative to the visual plume centerline.

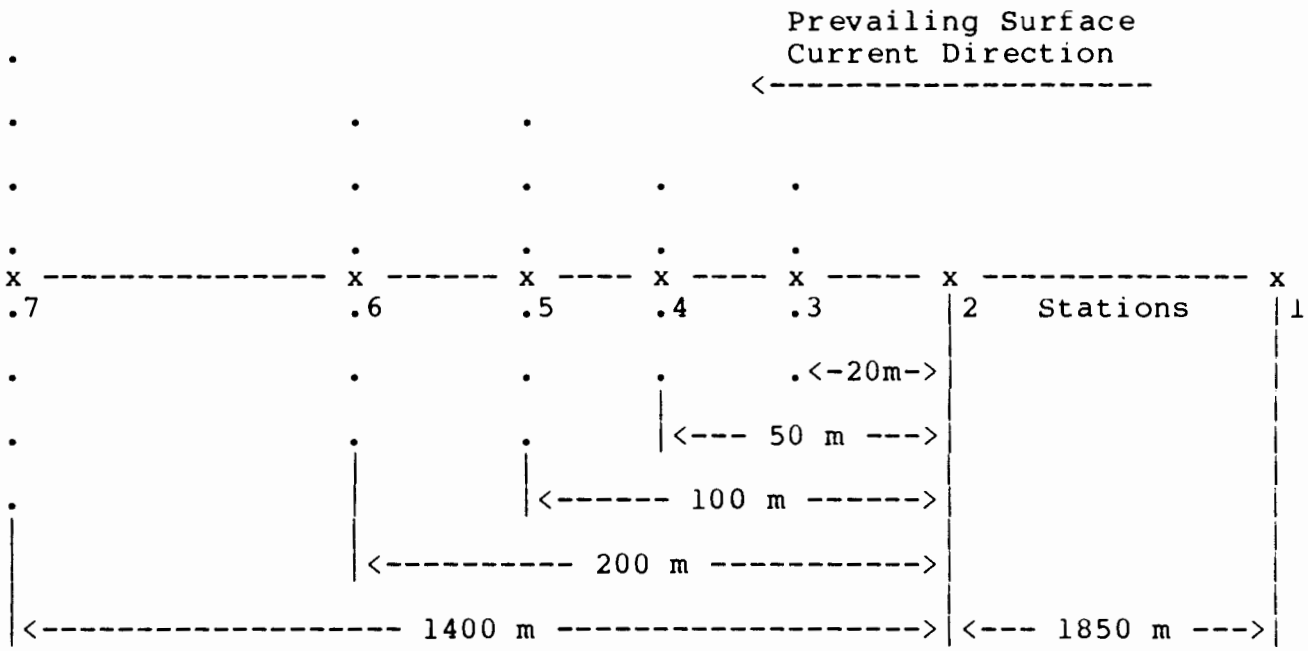

Figure 1. Orientation of Sample Stations (Top View) Relative to the Prevailing Surface Current at the Time of Sampling.

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a = Transmittance profiles to 10 meter depth at stations 3, 4, 5, and 6 with measurements recorded at depths of 2, 3, 6, 8, and 10 meters. Transmittance profile shall be measured to the 20 meter depth at station 1, 2, and 7 (see 1.2.3.). Exact locations and time of sampling of each of the profiles to the right or left of the centerline at each station will be determined by using the "best professional judgement" of the chief scientist on the monitoring vessel.

1.1.3. Current speed and direction shall be determined at Stations 1, 2, and 7 by using an appropriate profiling current meter on each sampling cruise before sampling commences. Current speed and direction will be measured and recorded at the following depths at stations 1, 2, and 7: 3, 6, 8, 10, 12, 14, 16, 18, and 20 meters. The profiling current meters should be calibrated for a minimum of two (2) minutes at each depth before any measurements are recorded. This information will be used to locate sample stations defined in 1.1.2.

1.1.4. Prior to dumping, on each sampling cruise a water column profile to a depth of 20 meters of the following parameters shall be made at Stations 1, 2, and 7 using appropriate water column profiling equipment:

Parameter	Detection Limits
Temperature	0.1 °C
Salinity	0.1 °/oo
Dissolved Oxygen	0.1 mg/L
pH	0.1 pH units
Transmissivity	0.1 % transmittance
Secchi disk depth	Not Applicable

1.1.4.1 The profiles required in Section 1.1.4 shall be made to a depth of 20 meters with measurements at 1, 3, 6, 10, and 20 meters.

1.1.4.2. Water column profiling equipment shall be calibrated before and after each survey to ensure high quality data collection.

1.1.5. Surface water conditions shall be recorded at all stations including:

1.1.5.1. Wind speed and direction;

1.1.5.2. Wave height; and

1.1.5.3. Observations of waste, color [e.g., Forel-Ule (FU) color scale], odor, floating materials, grease, oil, scum, foam or other floating materials attributed to fish wastes.

1.2. Water Column Characteristics to Be Measured

1.2.1. The limited permissible concentration (LPC) of the liquid phase of the waste material shall not be exceeded at the disposal site boundary four hours after disposal operations cease. The LPC is that concentration of the material which, after allowance for initial mixing as defined at 40 CFR 227.29, does not exceed applicable American Samoa Oceanic

Water Quality Standards. EPA Region 9 and the EQC will evaluate the LPC based on EPA's Ocean Dumping Regulations and the water quality values obtained for the stations sampled during the tenure of this permit.

1.2.2. The following standards apply specifically to American Samoa oceanic water:

Parameter	Median not to exceed given value	Not to exceed given value 10% of the time	Not to exceed given value 2% of the time
Turbidity (NTU)	0.20	0.29	0.36
Total Phosphorus (ug P/L)	11.00	23.00	35.00
Total Nitrogen (ug N/L)	115.00	180.00	230.00
Chlorophyll a (ug/L)	0.18	0.40	0.65
Light Penetration Depth (feet)	150*	132*	120*
Dissolved Oxygen	Not less than 80% of saturation or less than 5.5 mg/L. If the natural level of dissolved oxygen is less than 5.5 mg/L, then the natural level shall become the standard.		
pH	The range shall be 6.5 to 8.6 pH units and within 0.2 pH units of that which would occur naturally.		

*To exceed the given value 50%, 90% and 98% of the time respectively.

1.2.3. Water column sampling depths for discrete samples collected at stations 1, 2 and 7 shall include:

1.2.3.1. 1 meter depth below the surface,

1.2.3.2. 3 meters depth,

1.2.3.3. 10 meter depth, and

1.2.3.4. 20 meter depth.

1.2.4. Water samples shall be obtained using self-closing 3-liter water sample device at each depth listed in 1.2.3.

1.2.5. Water column parameters analyzed from discrete samples taken at the depths listed in 1.3.3 shall include:

Parameters	Detection Limits
Total Suspended Solids	0.1 mg/L
Total Volatile Solids	0.1 mg/L
Total Phosphorus[a]	0.001 mg/L
Total Nitrogen[a]	0.001 mg/L
Ammonia[a]	0.001 mg/L

a = samples should be acidified to pH <2 with sulfuric acid and refrigerated a 4° C until analysis.

1.2.6. If waste stream analyses, described in Special Condition 3.1, detect significantly high levels of constituents that may adversely affect marine water quality, EPA Region 9 may require that those constituents be added to the list of water column parameters in 1.3.5 above.

1.3. Frequency of Water Sampling Cruises and Station Sampling

1.3.1. Water samples and appropriate probe readings shall be collected when dumping operations are scheduled. Each station listed under Section 1.1 shall be sampled once each month. These samples shall be used to characterize the receiving waters at the disposal site.

1.3.2. The sample at Station 1 shall be taken prior to dumping activities.

1.3.3. Station 2 shall be sampled at a point within the plume immediately after discharge operations begin.

1.3.4. Stations 3 through 6 shall be sampled consecutively at intervals determined on-site by the chief scientist to allow efficient sampling of the discharge plume.

1.3.5 Station 7 shall be sampled at a point within the plume four hours after discharge operations cease.

1.3.6. The time of sampling and the triangulated position of each station shall be determined before each sample is taken.

2. MONITORING OF BIOLOGICIAL COMMUNITIES

2.1. Pelagic Resources

2.1.1. All sightings of fish, sea turtles, sea birds, or cetaceans near the disposal site shall be recorded including:

2.1.1.1. Time, location and bearing;

2.1.1.2. Species name(s); and

2.1.1.3. Approximate number of individuals.

2.2. Bioassay Study

2.2.1. Additional bioassay studies over those required in OD 86-01 will be required for research permit OD 87-01. Since the results of the bioassays, required in Section 2.2 of the monitoring program for OD 86-01, were not completed by the time of issuance of research permit OD 87-01, the tests listed below shall be performed to determine disposal material toxicity.

2.2.2. Acute toxicity tests of the DAF sludge from each of the permittee's facilities shall be performed on representative samples taken during the first, third and fifth months. These tests will be used to determine the toxic variability of the waste materials and to document potential environmental impacts at the dump site.

2.2.3. On the same day that DAF sludge samples are taken, one sample from the disposal vessel's hold shall be taken and a bioassay test shall be conducted on that material. On the sample day, each permittee shall determine and report the percentage that their DAF sludge constitutes in the barge load. These tests and data shall be used to assess the relative toxicity of the waste material being discharged into the ocean at the disposal site.

2.2.4. The test species shall include:

2.2.4.1. Planktonic copepod (Acartia sp.), or an isopod (Eurydice caudata) to be determined by the permittee and approved by EPA Region 9;

2.2.4.2. Mysid shrimp (Acanthomysis sculpta); and

2.2.4.3. California killifish (Fundulus parvipinnis).

2.2.5. The tests (96 hour LC50, mg/L) shall be performed in accordance with Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms (Third Edition), EPA 600/4-85-013, March 1985.

2.2.6. Reports on the results of the bioassay tests may be submitted independent of the required monthly monitoring reports as specified in Special Condition 5.2, if necessary. Bioassay test results shall be submitted no later than 60 days after the month that samples were taken to perform the required bioassays.

NOTICE OF APPLICATION AND PROPOSED ACTION
by the
U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)
REGION IX
215 FREMONT STREET
SAN FRANCISCO, CALIFORNIA 94105
(415) 974-0257

Application for a Permit
to Transport and Dump Materials
into Ocean Waters

Public Notice for Ocean Dumping Permit Number OD 87-01

Pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA), as amended (33 U.S.C. 1401 et seq.) and 40 CFR 222.3 of EPA's Ocean Dumping Regulations and Criteria (42 FR 2462 et seq., January 11, 1977), notice is hereby given of receipt by this office of complete applications for a permit to transport and dump materials into ocean waters from:

Star-Kist Foods, Inc.
180 East Ocean Boulevard
Long Beach, California 90802

and

Ralston Purina Co., Inc.
Van Camp Seafood Division
Checkerboard Square
St. Louis, Missouri 63164

on behalf of their respective subsidiary companies

Star-Kist Samoa, Inc.
P.O. Box 368
Pago Pago, American Samoa 96799

and

Samoa Packing Company, Inc.
P.O. Box 957
Pago Pago, American Samoa 96799

TENTATIVE DETERMINATION

EPA has made the tentative determination to issue a research ocean dumping permit to Star-Kist Samoa and Samoa Packing Company for a six month period. The agency has determined that a permit is required for ocean disposal of fish cannery wastes produced at the American Samoa canneries. Information developed during the permit period and data gathered as required in ocean dumping permit OD 86-01 will be used to determine whether dumping on a more permanent basis would unreasonably degrade or endanger human health, the marine environment, ecological systems or economic potentialities [33 U.S.C. 1412a(1)(B)].

The scale of the proposed dumping during the research period is expected to have minimal adverse impact on human health and/or the environment. While more data are needed to confirm the absence of unreasonable adverse effects from the discharge of fish wastes adulterated with alum and a coagulant polymer, the existing data and data obtained from ocean dumping permit OD 86-01 indicate that impacts at the site should be minimal. The primary

environmental impact of the proposed discharges would be short-term increases in turbidity, inorganic nutrients, biological oxygen demand and ammonia during the dumping event. Preliminary scientific studies of ocean disposal of dissolved air flotation (DAF) sludge in American Samoa indicate that water quality parameters should return to ambient conditions following the period of initial mixing after an ocean dumping event. To ensure that American Samoa Water Quality Standards are not exceeded after the period of initial mixing, restrictive disposal rates and limitations on the waste material constituents have been included in the permit. Hence, EPA believes that the benefit of assessing the impact of the discharging fish cannery wastes outweighs any adverse impact that may occur as a result of permitting the discharge for six months.

During the term of the permit, the permittees will be required to jointly conduct a revised EPA Region 9-approved site monitoring program, including laboratory analyses and possible bioassays, to document that the American Samoa Water Quality Standards are met and environmental impacts in the ocean are minimal. Information gathered during the term of this research permit will be used to augment EPA's efforts to formally designate an ocean disposal site, according to EPA's voluntary environmental impact statement policy for ocean disposal sites (39 FR 37119, October 24, 1974), and issue a special permit under 40 CFR 227, if appropriate.

SUMMARY OF APPLICATION INFORMATION

Star-Kist Samoa and Samoa Packing Company propose to ocean dump waste materials resulting from their fish processing plants in Pago Pago, American Samoa. The materials to be disposed are fish processing wastes, including DAF sludge, precooker water, press water and grit. The material will be discharged at a site 2.1 nautical miles southeast of Tutuila Island, near Pago Pago, water depth at the site is approximately 5,400 feet. The disposal site is a circle with a diameter of 1.5 nautical mile, centered at 14° 22' 11" South latitude by 170° 40' 52" West longitude.

The waste materials are produced during the canning process at the two plants. DAF sludge is the material that remains after treatment of fish processing waste to remove grease and suspended particulate matter. Odor reducing chemicals and coagulants are added to the sludge before it is removed from the plants. Precooker water is a combination of stick water and other process waste water that collects under the steam precookers. Press water is waste water produced at the fish meal plants when fish scrap is cooked and pressed before being dried to produce a livestock food meal. Grit is composed of solids that have settled out in a surge tank at the processing plant before the wastes are treated. Based on the dilution levels expected at the dump site, the waste materials are not expected to cause significant long-term impacts to oceanic water quality as defined in the American Samoa Water Quality Standards.

During the term of the research permit, and in accordance with all other terms and conditions of the permit, the permittees are authorized to transport for disposal into ocean waters quantities of waste material that shall not exceed the following amounts:

Waste Material	Star-Kist Samoa (gallons/day)	Samoa Packing Co. (gallons/day)	Total Permitted Discharge (gallons/day)
DAF Sludge	60,000	31,400	91,400
Precooker Water	100,000	13,300	113,300
Press Water	40,000	12,200	52,200
Total Maximum Daily Volume	200,000	56,900	256,900
Grit[a]	100 tons/month		100 tons/month

a = Star-Kist Samoa only

PUBLIC COMMENTS AND INITIATION OF HEARINGS

Within 30 days of the date of this notice, any person may request a public hearing to consider the issuance or denial of, or the conditions to be imposed upon this permit. Any such request for a public hearing must: 1) be in writing; 2) identify the person requesting the hearing; and 3) state any objections to the issuance or denial of, or to the conditions to be imposed upon this permit, and the issues which are proposed to be considered at the hearing. In accordance with 40 CFR 222.4 the Regional Adminsitrator's determination on whether or not to hold a public hearing shall be based on whether the request presents genuine issues of policy or facts amenable to resolution by public hearing.

The Administrative Record, which includes the application, the draft permit and other relevant documents, is available for public review Monday through Friday from 9:00 am to 4:00 pm at the EPA address shown above, or at the Environmental Quality Commission, Office of the Governor, Pago Pago, American Samoa 96799, telephone 633-2682. Persons wishing to comment upon or object to the tentative determination may do so by submitting such written comments within 30 days of the date of this notice to:

U.S. Environmental Protection Agency
Region IX
Attn: Patrick Cotter (W-5-3)
215 Fremont Street
San Francisco, California 94105
Telephone (415) 974-0257

All comments or objections received within 30 days of the date of this notice will be considered in the formulation of final determinations regarding the application. Further information may be obtained by writing or calling the EPA Regional Office or the American Samoa Environmental Quality Commission.

9/1/87 5PM
PUB. FEDREG

MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT
OCEAN DUMPING PERMIT

8/28/87

PERMIT (PUBLISH.) 8/29/87

PERMIT NUMBER AND TYPE: OD 87-01 Research

EFFECTIVE DATE: August 28, 1987

EXPIRATION DATE: February 28, 1988

REAPPLICATION DATE: December 28, 1987

APPLICANTS:	Star-Kist Samoa, Inc. P.O. Box 368 Pago Pago American Samoa 96799	Samoa Packing Co., Inc. P.O. Box 957 Pago Pago American Samoa 96799
PERMITTEES:	Star-Kist Samoa, Inc. P.O. Box 368 Pago Pago American Samoa 96799	Samoa Packing Co., Inc. P.O. Box 957 Pago Pago American Samoa 96799
WASTES GENERATED AT:	Star-Kist Samoa, Inc. P.O. Box 368 Pago Pago American Samoa 96799	Samoa Packing Co., Inc. P.O. Box 957 Pago Pago American Samoa 96799
WASTE TRANSPORTER:	Azuma Maru No. 35 Pan Pacific Maritime, Inc. Pago Pago, American Samoa	
PORT OF DEPARTURE:	Pago Pago Harbor, American Samoa	

This Research Permit authorizes the transportation and dumping into ocean waters of certain material as described in the Special Conditions section pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.), as amended, (hereinafter referred to as "the Act"), regulations promulgated thereunder, and the terms and conditions set forth below.

PUB. FINAL

MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT
OCEAN DUMPING PERMIT

PERMIT NUMBER AND TYPE: OD 87-01 Research

EFFECTIVE DATE: August 28, 1987

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APPLICANTS:

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P.O. Box 368
Pago Pago
American Samoa 96799

Samoa Packing Co., Inc.
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This Research Permit authorizes the transportation and dumping into ocean waters of certain material as described in the Special Conditions section pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.), as amended, (hereinafter referred to as "the Act"), regulations promulgated thereunder, and the terms and conditions set forth below.

A research permit is being issued to determine whether dumping of a substance will unreasonably degrade or endanger human health, welfare or amenities, or the marine environment, ecological systems, or economic potentialities [33 U.S.C. 1412a(1)(B)]. The Environmental Protection Agency (EPA) has determined that the scientific merit of the proposed project outweighs the potential environmental risks or other damage that may result from the dumping [40 CFR 220.3(e)].

1. GENERAL CONDITIONS

1.1. Operation under this Ocean Dumping permit shall conform to all applicable Federal statutes and regulations including, but not limited to, the Act, the Clean Water Act (33 U.S.C. 1251 et seq.) and the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.)

1.2. All transportation and dumping authorized herein shall be undertaken in a manner consistent with the terms and conditions of this permit. The permittees designated above shall be liable for compliance with all such terms and conditions. The liability of the permittees is set forth in the Special Conditions and they are jointly responsible for compliance with the terms of this permit. The permittees shall be held jointly and severally liable under Section 105 of the Act (33 U.S.C. 1415) in the event of any violation of the permit.

1.3. Under Section 105 of the Act any person who violates any provision of the Act, 40 CFR 220 through 229 issued thereunder, or any term or condition of this permit shall be liable for a civil penalty of not more than $50,000 per day for each violation. Additionally, any knowing violation of the Act, 40 CFR 220 through 229 or the permit may result in a criminal action being brought with penalties of not more than $50,000 or one year in prison, or both. Violations of the Act or the terms and conditions of this permit include but are not limited to:

1.3.1. Transportation to, and dumping at any location other than that authorized by this permit;

1.3.2. Transportation and dumping of any material not identified in, more frequently than, or in excess of that identified in this permit, unless specifically authorized by a written modification hereto;

1.3.3. Failure to conduct permit monitoring as required in Special Conditions 3.1, 4.6 and 5.1; or

1.3.4. Failure to file waste stream and disposal site monitoring reports as required in Special Conditions 3.3, 4.6, 5.2 and 5.3.

1.4. Nothing contained herein shall be deemed to authorize, in any way, the transportation from the United States for the purpose of dumping into the ocean waters, into the territorial sea, or into the contiguous zone, the following material:

1.4.1. Radioactive wastes;

1.4.2. Materials, in whatever form, produced for radiological, chemical, or biological warfare; or

1.4.3. Persistent synthetic or natural materials which may float or remain in suspension in the ocean.

1.5. Nothing contained herein shall be deemed to authorize, in any way, violation of applicable American Samoa Water Quality Standards.

1.6. After notice and opportunity for a hearing, this permit shall be subject to revision, revocation or limitation, in whole or in part, subject only to the provisions of 40 CFR 222.3(b) through (h) and 40 CFR 223.2, as a result of a determination by the Regional Administrator of EPA that:

1.6.1. The cumulative impact of the permittees' dumping activities or the aggregate impact of all dumping activities in the dump site designated in Special Condition 2.2 should be categorized as Impact Category I, as defined in 40 CFR 228.10(c)(1);

1.6.2. There has been a change in circumstances relating to the management of the disposal site designated in Special Condition 2.2;

1.6.3. The dumping authorized by the permit would violate applicable American Samoa Water Quality Standards; or

1.6.4. The dumping authorized can no longer be carried out consistent with the criteria set forth in 40 CFR 227 and 228.

1.7. The permittees shall ensure at all times that facilities, including vessels, are in good working order and operate as efficiently as possible to achieve compliance with the terms and conditions of this permit. During all transportation and loading operations, there shall not be a loss of material to any waterway.

1.8. The permittees shall allow the Regional Administrator of EPA, the Commander of the Fourteenth U.S. Coast Guard District (USCG), the Executive Secretary of the American Samoa Environmental Quality Commission (EQC), and/or their authorized representatives:

1.8.1. To enter into, upon, or through the permittees' premises, vessels, or other premises or vessels under the control of the permittee, where, or in which, a source of material to be dumped is located or in which any records are required to be kept under the terms and conditions of this permit or the Act;

1.8.2. To have access to and copy any records required to be kept under the terms and conditions of this permit or the Act;

1.8.3. To inspect any dumping equipment, navigational equipment, monitoring equipment or monitoring methods required in this permit;

1.8.4. To sample or require that a sample be drawn, under EPA, USCG, or EQC supervision, of any materials discharged or to be discharged; and

1.8.5. To inspect laboratory facilities, data, and quality control records required for compliance with any condition of this permit.

1.9. If material which is regulated by this permit is disposed of, due to an emergency to safeguard life at sea in locations or in a manner not in accordance with the terms of this permit, the permittees shall make a full report, in accordance with the provisions of 18 U.S.C. 1001, within 15 days to the EPA Regional Administrator, the USCG and the EQC or their delegates detailing the conditions of this emergency and the actions taken, including the nature and amount of material disposed.

1.10. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of rights, nor any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by applicable law for the activity authorized.

1.11. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities, or, except as authorized by this permit, the undertaking of any work in any navigable waters.

1.12. Unless otherwise provided for herein, all terms used in this permit shall have the meanings assigned to them by the Act or 40 CFR 220 through 229, issued thereunder.

2. SPECIAL CONDITIONS - PERMIT LIMITATIONS

Permit limitations are required to define the length of the permit period, identify the dump site location, describe the waste materials and define maximum permitted limits for each waste material.

2.1. Location of Waste Generator and Permit Term

2.1.1. The material to be dumped shall consist of waste materials resulting from the operation of the permittees' fish canneries at Pago Pago Harbor, American Samoa.

2.1.2. This permit shall expire at midnight on February 28, 1988.

2.2. Location of Disposal Site

Transportation for the purpose of ocean dumping shall terminate at, and waste disposal shall be confined to a circular area with 1.5 nautical mile diameter centered at 14° 22' 11" South latitude by 170° 40' 52" West longitude.

2.3. Description of Material

2.3.1. During the term of this permit, and in accordance with all other terms and conditions of this permit, the permittees are authorized to transport for disposal into ocean waters quantities of waste material that shall not exceed the following amounts:

2.3.1.1. Star-Kist Samoa

Waste Material	Amount
Dissolved Air Floatation (DAF) Sludge	60,000 gallons/day
Precooker Water	100,000 gallons/day
Press Water	40,000 gallons/day
Total Maximum Daily Volume	200,000 gallons/day

- GRIT

2.3.1.2. Samoa Packing Company

Waste Material	Amount
Dissolved Air Floatation (DAF) Sludge	31,400 gallons/day
Precooker Water	13,300 gallons/day
Press Water	12,200 gallons/day
Total Maximum Daily Volume	56,900 gallons/day

- THAN WATER

2.3.1.3. Total Permitted Waste Material Discharges

Waste Material	Amount
Dissolved Air Floatation (DAF) Sludge	91,400 gallons/day
Precooker Water	113,300 gallons/day
Press Water	52,200 gallons/day
Total Maximum Daily Volume	256,900 gallons/day

2.3.2. The transportation for disposal of floatables, garbage, domestic trash, waste chemicals, and solid waste is prohibited.

2.4. Waste Material Limitations

2.4.1. Permitted Physical and Chemical Constituents

Fish Processing Waste Material	Total Permitted Daily Volume To Be Dumped	Permitted Maximum Concentration Per Constituent	
DAF Sludge[a]	91,400 gal/day	Tot. Sus. Solids	219,000 mg/L
		BOD_5	269,000 mg/L
		Total Phosphorus	26,629 mg/L
		Total Nitrogen	44,854 mg/L
		Oil and Grease	345,000 mg/L
Precooker Water[a]	113,300 gal/day	Tot. Sus. Solids	65,000 mg/L
		BOD_5	82,100 mg/L
		Total Phosphorus	1,160 mg/L
		Total Nitrogen	9,930 mg/L
Press Water[a]	52,200 gal/day	Tot. Sus. Solids	285,000 mg/L
		BOD_5	144,200 mg/L
		Total Phosphorus	3,810 mg/L
		Total Nitrogen	18,210 mg/L

a = Maximum Permitted Concentrations are assumed to be greatest if the vessel contains waste material only from the Star-Kist Samoa plant. Concentrations listed for each of the waste materials were provided by Star-Kist Samoa.

2.4.2. The pH range for all waste materials shall not be less than 5.5 pH units nor greater than 7.0 pH units.

2.4.3. The Permitted Maximum Concentration and pH limits, listed above, shall not be exceeded at any time during the term of this permit.

3. SPECIAL CONDITIONS - ANALYSIS OF WASTE MATERIAL

Compliance with the permitted maximum concentrations defined in Special Condition 2.4 shall be determined by monthly monitoring of each of the permittees' waste streams before the material is loaded into the disposal vessel. Additional analyses of fish processing wastes and reporting requirements are defined in this section. Sampling dates shall be scheduled within the first two weeks of the month to allow enough time for laboratory analysis and report writing in compliance with Special Condition 3.3.

3.1. Analyses of Waste Material

3.1.1. Concentrations of the constituents in Special Condition 2.4 shall be determined by pooling three replicate samples, taken on the day that sampling is scheduled, to be used as a composite sample.

3.1.2. In addition to Special Condition 3.1.1, the permittees shall measure the following parameters by pooling three replicate samples from each waste material to obtain a composite sample:

Parameter	Detection Limits
Bulk Density	0.01 g/mL
pH	0.1 pH units
Total Suspended Solids	10 mg/L
Total Volatile Solids	10 mg/L
BOD_5	10 mg/L
Total Phosphorus	1 mg/L
Total Nitrogen	1 mg/L
Ammonia	1 mg/L
Oil and Grease	5 mg/L
Aluminum	0.1 mg/L
Chromium	0.1 mg/L
Nickel	0.1 mg/L
Copper	0.1 mg/L
Lead	0.1 mg/L
Cadmium	0.1 mg/L
Mercury	0.01 mg/L
Total Petroleum Hydrocarbons[a]	50 ug/L
Total Pesticides	100 ug/L
Total PCBs	100 ug/L

a = Measured by infrared spectrophotometry (i.e., EPA Method 418.1)

3.1.3. All waste material sampling procedures, analytical protocols, and quality control/quality assurance procedures shall be performed in accordance with guidelines specified by EPA Region 9. The following references shall be used by the permittees where appropriate:

3.1.3.1. 40 CFR 136, EPA Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act;

3.1.3.2. Tetra Tech, Inc. 1985. Summary of U.S. EPA-approved methods, standard methods and other guidance for 301(h) monitoring variables. Final program document prepared for the Marine Operations Division, Office of Marine and Estuarine Protection, U.S. Environmental Protection Agency. EPA Contract No. 68-01-693. Tetra Tech, Inc., Bellevue, Wa. 18pp.; and

3.1.3.3. Environmental Protection Agency. 1987. Quality assurance and quality control for 301(h) monitoring programs: Guidance on field and Laboratory Methods. Office of Marine and Estuarine Protection, Washington, D.C. EPA 430/9-86-004.

3.1.4. Any waste material constituents listed in Special Condition 3.1.2 that are shown to be consistently nondetectable after the first three sampling periods, may be eliminated from further analytical tests. Before elimination of the parameter is permitted, the permittee shall obtain written approval from EPA Region 9 and the EQC.

3.2. Analytical Laboratory

3.2.1. Within 30 days of the effective date of this permit, the name and address of the designated laboratory or laboratories and a description of all analytical test procedures and quality assurance/quality control procedures, including detection limits being used, shall be provided for EPA Region 9 approval.

3.2.2. Any potential variation or change in the designated laboratory or analytical procedures shall be reported, in writing, for EPA Region 9 approval.

3.2.3. EPA Region 9 may require analyses of quality control samples by any laboratories employed for purposes of compliance with Special Condition 3.1 and Appendix A. Upon request, the permittee shall provide EPA Region 9 with the analytical results from such samples.

3.2.4. A complete analysis of constituents, required in Special Condition 3.1, shall be made by the permittee and reported to EPA Region 9 and the EQC whenever there is a change in the quality of the waste, process configuration, or waste treatment. If deemed necessary by EPA Region 9, bioassays shall be required in addition to constituent analyses.

3.3. Reporting

3.3.1. Each permittee shall provide EPA Region 9 and the EQC with a report for each month of the permit containing:

3.3.1.1. Daily volumes, reported in gallons/day, of each waste material removed from the permittees' facilities;

3.3.1.2. Monthly waste material analyses demonstrating that the waste materials being dumped comply with the permitted limits of constituents listed in Special Condition 2.4;

3.3.1.3. Monthly analyses of the additional parameters listed in Special Condition 3.1,

3.3.1.4. The monthly amount of coagulant polymer and alum added to the waste streams; and

3.3.1.5

3.3.2. Such reports shall be submitted to EPA Region 9 and the EQC within 30 days of the end of the preceding month for which they were prepared. The reports shall be submitted within this 30 day period unless extenuating circumstances, communicated to EPA Region 9 and the EQC in writing and approved by the agencies, necessitate a delay in reporting.

3.3.3. A summary report of all monthly reports listed in Special Condition 3.3.1, including a statistical analysis of parameter variability and a detailed discussion of the results of the monthly reports, shall be submitted by each permittee to EPA and the EQC 15 days after the permit expires.

3.3.4. Upon detection of a violation of any permit limitations, the permittee shall send a written notification of this violation to EPA Region 9 and the EQC within five working days and a detailed written report of the violation shall be sent to the agencies within 15 working days.

4. SPECIAL CONDITIONS - VESSEL OPERATIONS

Specification of vessel operations is required to limit dumping activities to the dump site identified in Special Condition 2.2 and to record all activities that occur at sea.

4.1. Posting of the Permit

This permit, or a true copy thereof, shall be placed in a conspicuous place on any vessel which will be used for the transportation and dumping authorized by this permit. If the dumping vessel is an unmanned barge, the permit or true copy of the permit shall be transferred to the towing vessel.

4.2. Vessel Identification

Every vessel engaged in the transportation of wastes for ocean disposal shall have its name and number painted in letters and numbers at least four inches high on both sides of the vessel. The name and number shall be kept distinctly legible at all times, and a vessel without such markings shall not be used to transport or dump waste material.

4.3. Disposal Rate and Vessel Speed

The disposal vessel/barge shall discharge the material authorized by this permit beginning near the center of the disposal site identified in Special Condition 2.2. The disposal operation shall be conducted at a rate of 140 gallons per minute per knot, not to exceed 1400 gallons per minute at a maximum speed of 10 knots, while moving in a circle with a radius less than or equal to 0.2 nautical miles.

4.4. Navigational Equipment

The permittees shall employ an onboard electronic positioning system (see reference below) to accurately fix the position of the disposal vessel during all dumping operations. This system is subject to advanced approval by EPA Region 9 and the U.S. Coast Guard Liaison Office (CGLO) Pago Pago 15 days after the effective date of the permit.

Environmental Protection Agency. 1987. Evaluation of survey positioning methods for nearshore marine and estuarine waters. Office of Marine and Estuarine Protection, Washington, D.C. EPA 430/9-86-003.

4.5. Permitted Times for Disposal Operations

Dumping operations shall be restricted to daylight hours, unless an emergency exists and written authorization is obtained from the CGLO Pago Pago or the EQC prior to departure. EPA Region 9 shall be notified no later than five working days after the emergency in a written report of the situation.

4.6. Reporting of the Ocean Dumping Vessel Operations

4.6.1. The waste transporter shall maintain and the permittees shall submit copies of a monthly transportation and dumping logbook, including plots of all relevant information requested in Special Condition 4.6.2, to EPA Region 9, CGLO Pago Pago, and the EQC within 30 days of the end of the preceeding month for which they were prepared. The report shall be submitted within this 30 day period unless

extenuating circumstances, communicated to EPA Region 9 and the EQC in a writing and approved by the agencies, necessitates a delay in reporting.

4.6.2. The logbook shall contain the following information for each waste disposal trip:

4.6.2.1. Permit number, date and serial trip number;

4.6.2.2. The time that loading of the vessel commences and ceases;

4.6.2.3. The time and navigational position that dumping commences and ceases;

4.6.2.4. A record of vessel speed and direction every 15 minutes during each dumping operation at the disposal site, and a plot on a navigational chart of the vessel's course;

4.6.2.5. Observe, note and plot the time and position of any floatable material;

4.6.2.6. Observe, note and plot the wind speed and direction every 30 minutes;

4.6.2.7. Observe and note wave height at the beginning and end of the disposal trip;

4.6.2.8. Observe, note and plot any unusual occurrences during the disposal trip; and

4.6.2.9. Observe, note and plot any other information relevant to the assessment of environmental impacts as a result of dumping activities.

5. SPECIAL CONDITIONS - DUMPSITE MONITORING

The monitoring program for disposal of wastes in the ocean must document short- and long-term effects of disposed wastes on the receiving waters, biota, and beneficial uses of the receiving waters; and determine compliance with permit terms and conditions. Once an adequate background database is established and predictable relationships among biological and physical variables are demonstrated, it may be appropriate to revise the monitoring program. Revisions may be made under the direction of EPA Region 9 at any time during the permit term, in compliance with 40 CFR 223.2 and 223.3. This may include a reduction or increase in the number or parameters to be monitored, the frequency of monitoring, the location of sample stations, or the number and size of samples to be collected.

5.1. Monitoring Program

The permittees are required to implement the EPA Region 9-specified monitoring program defined in Appendix A as a means of determining the environmental impacts of ocean dumping of the waste. Monitoring cruises shall be scheduled within the first two weeks of each month to allow enough time for laboratory analysis and report writing in compliance with Special Condition 5.2. Sampling days shall only be scheduled from Monday through Friday. The permittees shall notify the EQC at least 24 hours prior to any scheduled monitoring activities.

5.2. Monitoring Reports

Monthly site monitoring reports shall be submitted to EPA Region 9 and the EQC within 30 days of the end of the preceeding month for which the samples were taken. The reports shall be submitted within this 30-day time period unless extenuating circumstances, communicated to EPA Region 9 and the EQC in a writing and approved by the agencies, necessitate a delay in reporting.

The reports shall include: neatly compiled raw data for all sample analyses, a quality assurance/quality control package for the data, statistical analysis of sample variability between stations and within samples for appropriate parameters, and a discussion of the results.

5.3. Final Summary Report

5.3.1. A report summarizing all of the data collected during the waste material and dump site monitoring programs shall be submitted to EPA Region 9, the EQC and the U.S. Fish and Wildlife Service 15 days after the permit expires.

5.3.2. At a minimum, the summary report shall contain the following sections:

5.3.2.1. Introduction (including a brief summary of previous ocean disposal activities),

5.3.2.2. Location of Study Sites,

5.3.2.3. Materials and Methods,

5.3.2.4. Results and Discussion (including comparisons and contrasts with previous data related to disposal of fish processing wastes off American Samoa),

5.3.2.5. Conclusions,

5.3.2.6. References,

5.3.2.7. Raw Data Appendix, and

5.3.2.8. Quality Assurance/Quality Control Information.

5.4. Quality Assurance/Quality Control

All appropriate phases of the monitoring, sampling, and laboratory analytical procedures shall adhere to the EPA Region 9-specified protocols and references listed in Special Condition 3.1.4.

6. SPECIAL CONDITIONS - NOTICE TO REGULATORY AGENCIES

6.1. Notice of Sailing to U.S. Coast Guard

6.1.1. The waste transporter shall provide telephone notification of sailing to CGLO Pago Pago at 633-2299 or the EQC at 633-2304 during working hours (7:00 a.m. to 3:30 p.m.) no later than 24 hours prior to the estimated time of departure for the dump site designated in Special Condition 2.2.

6.1.2. The waste transporter shall immediately notify CGLO Pago Pago or the EQC upon any changes in the estimated time of departure greater than two hours.

6.1.3. Surveillance of activities at the dump site designated in Special Condition 2.2, may be accomplished by unannounced aerial overflights, a USCG shiprider and/or an EQC shiprider who will be on board the towing/conveyance vessel for the entire voyage. Within two hours after receipt of the initial notification the waste transporter will be advised as to whether or not a shiprider will be assigned to the

6.1.4. The following information shall be provided to CGLO Pago Pago or the EQC in the above-mentioned notification of sailing:

6.1.4.1. The time of departure,

6.1.4.2. Estimated time of arrival at the dump site,

6.1.4.3. Estimated time of departure from the dump site, and

6.1.4.4. Estimated time of return to port.

6.2. Reports and Correspondence

6.2.1. Three copies of all reports and related correspondence required by General Condition 1.8, Special Conditions 3.1, 3.2, 3.3, 4.4, 4.5, 4.6, 5.2, 5.3, and all other materials, including applications shall be submitted to EPA Region 9 at the following address:

Office of Territorial Programs (W-1-1)
U.S. Environmental Protection Agency, Region 9
215 Fremont Street
San Francisco, California 94105
Telephone (415) 974-7432

6.2.2. Two copies of all reports required by General Condition 1.8 and Special Conditions 4.4, 4.5, 4.6 and 6.1 sent to the U.S. Coast Guard shall be submitted to the following address:

Commanding Officer
U.S. Coast Guard Liaison Office
P.O. Box 249
Pago Pago
American Samoa 96799
Telephone 633-2299

6.2.3. Three copies of all reports required by General Condition 1.8 and Special Conditions 3.1, 3.2, 3.3, 4.4, 4.5, 4.6, 5.1, 5.2, 5.3 and 6.1 sent to the American Samoa Environmental Quality Commission shall be submitted to the following address:

Executive Secretary
American Samoa Environmental Quality Commission
Office of the Governor
Pago Pago
American Samoa 96799
Telephone 633-2682

6.2.4. One copy of the summary report required by Special Condition 5.3 shall be sent to the U.S. Fish and Wildlife Service at the following address:

Project Leader
Office of Environmental Services
U.S. Fish and Wildlife Service
300 Ala Moana Boulevard
P.O. Box 50167
Honolulu, Hawaii 96850

Signed this _____ day of _____, 1987.

For the Regional Administrator

_____

Harry Seraydarian
Director
Water Management Division

SIG. AS MADE

APPENDIX A

STAR-KIST SAMOA AND SAMOA PACKING COMPANY
OCEAN DUMPING RESEARCH PERMIT OD 87-01
JOINT OCEAN DUMP SITE MONITORING PLAN

1. MONITORING OF RECEIVING WATER

Movement of the waste plume shall be tracked during each monitoring cruise by the use of a transmissometer. The results of the first monitoring report will be evaluated by EPA Region 9 to determine whether Sections 1.1 and/or 1.3 need to be refined. The evaluation will be based on documented sampling results and recommendations of the permittees.

1.1. Location of Water Sampling Stations

1.1.1. On each sampling cruise, the latitude and longitude of all sampling stations shall be determined using appropriate navigational equipment.

1.1.2. The following sample stations shall be occupied on each sampling cruise (see Figure 1.1):

1.1.2.1. Station 1 - 1.85 Km (1.0 nautical miles) up current of Station 2 to be used as the control station,

1.1.2.2. Station 2 - Center of the dumping operation,

1.1.2.3. Station 3 - The area 20 meters downstream from the discharge point, as determined by the current meter measurments at Station 2, with two (2) transmittance profiles[a] 90° relative to the visual plume centerline, one (1) profile at the centerline, and two (2) profiles 270° relative to the visual plume centerline.

1.1.2.4. Station 4 - The area 50 meters downstream from the discharge point, as determined by the current meter measurements at Station 2, with two (2) transmittance profiles 90° relative to the visual plume centerline, one (1) profile at the centerline, and two (2) profiles 270° relative to the visual plume centerline.

1.1.2.5. Station 5 - The area 100 meters downstream from the discharge point, as determined by the current meter measurments at Station 2, with three (3) transmittance profiles 90° relative to the visual plume centerline, one (1) profile at the centerline, and three (3) profiles 270° relative to the visual plume centerline.

1.1.2.6. Station 6 - The area 200 meters downstream from the discharge point, as determined by the current meter measurements at station 2, with three (3) transmittance profiles 90° relative to the visual plume centerline, one (1) profile at the centerline, and three (3) profiles 270° relative to the visual plume centerline.

1.1.2.7. Station 7 - The area 1400 meters downstream from the discharge point, as determined by the current meter measurements at station 2, with four (4) transmittance profiles 90° relative to the visual plume centerline, one (1) profile at the centerline, and four (4) profiles 270° relative to the visual plume centerline.

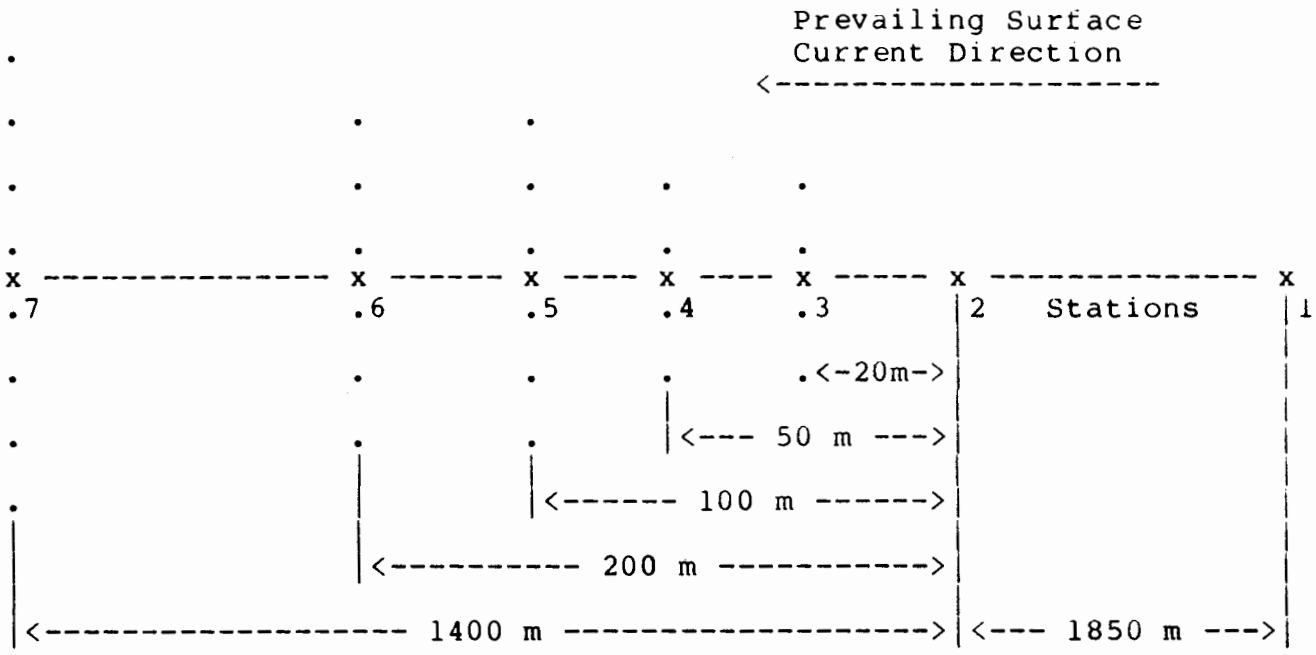

Figure 1. Orientation of Sample Stations (Top View) Relative to the Prevailing Surface Current at the Time of Sampling.

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a = Transmittance profiles to 10 meter depth at stations 3, 4, 5, and 6 with measurements recorded at depths of 2, 3, 6, 8, and 10 meters. Transmittance profile shall be measured to the 20 meter depth at station 1, 2, and 7 (see 1.2.3.). Exact locations and time of sampling of each of the profiles to the right or left of the centerline at each station will be determined by using the "best professional judgement" of the chief scientist on the monitoring vessel.

1.1.3. Current speed and direction shall be determined at Stations 1, 2, and 7 by using an appropriate profiling current meter on each sampling cruise before sampling commences. Current speed and direction will be measured and recorded at the following depths at stations 1, 2, and 7: 3, 6, 8, 10, 12, 14, 16, 18, and 20 meters. The profiling current meters should be calibrated for a minimum of two (2) minutes at each depth before any measurements are recorded. This information will be used to locate sample stations defined in 1.1.2.

1.1.4. Prior to dumping, on each sampling cruise a water column profile to a depth of 20 meters of the following parameters shall be made at Stations 1, 2, and 7 using appropriate water column profiling equipment:

Parameter	Detection Limits
Temperature	0.1 °C
Salinity	0.1 °/oo
Dissolved Oxygen	0.1 mg/L
pH	0.1 pH units
Transmissivity	0.1 % transmittance
Secchi disk depth	Not Applicable

1.1.4.1 The profiles required in Section 1.1.4 shall be made to a depth of 20 meters with measurements at 1, 3, 6, 10, and 20 meters.

1.1.4.2. Water column profiling equipment shall be calibrated before and after each survey to ensure high quality data collection.

1.1.5. Surface water conditions shall be recorded at all stations including:

1.1.5.1. Wind speed and direction;

1.1.5.2. Wave height; and

1.1.5.3. Observations of waste, color [e.g., Forel-Ule (FU) color scale], odor, floating materials, grease, oil, scum, foam or other floating materials attributed to fish wastes.

1.2. Water Column Characteristics to Be Measured

1.2.1. The limited permissible concentration (LPC) of the liquid phase of the waste material shall not be exceeded at the disposal site boundary four hours after disposal operations cease. The LPC is that concentration of the material which, after allowance for initial mixing as defined at 40 CFR 227.29, does not exceed applicable American Samoa Oceanic

Water Quality Standards. EPA Region 9 and the EQC will evaluate the LPC based on EPA's Ocean Dumping Regulations and the water quality values obtained for the stations sampled during the tenure of this permit.

1.2.2. The following standards apply specifically to American Samoa oceanic water:

Parameter	Median not to exceed given value	Not to exceed given value 10% of the time	Not to exceed given value 2% of the time
Turbidity (NTU)	0.20	0.29	0.36
Total Phosphorus (ug P/L)	11.00	23.00	35.00
Total Nitrogen (ug N/L)	115.00	180.00	230.00
Chlorophyll a (ug/L)	0.18	0.40	0.65
Light Penetration Depth (feet)	150*	132*	120*
Dissolved Oxygen	Not less than 80% of saturation or less than 5.5 mg/L. If the natural level of dissolved oxygen is less than 5.5 mg/L, then the natural level shall become the standard.		
pH	The range shall be 6.5 to 8.6 pH units and within 0.2 pH units of that which would occur naturally.		

*To exceed the given value 50%, 90% and 98% of the time respectively.

1.2.3. Water column sampling depths for discrete samples collected at stations 1, 2 and 7 shall include:

1.2.3.1. 1 meter depth below the surface,

1.2.3.2. 3 meters depth,

1.2.3.3. 10 meter depth, and

1.2.3.4. 20 meter depth.

1.2.4. Water samples shall be obtained using self-closing 3-liter water sample device at each depth listed in 1.2.3.

1.2.5. Water column parameters analyzed from discrete samples taken at the depths listed in 1.3.3 shall include:

Parameters	Detection Limits
Total Suspended Solids	0.1 mg/L
Total Volatile Solids	0.1 mg/L
Total Phosphorus[a]	0.001 mg/L
Total Nitrogen[a]	0.001 mg/L
Ammonia[a]	0.001 mg/L

a = samples should be acidified to pH <2 with sulfuric acid and refrigerated a 4° C until analysis.

1.2.6. If waste stream analyses, described in Special Condition 3.1, detect significantly high levels of constituents that may adversely affect marine water quality, EPA Region 9 may require that those constituents be added to the list of water column parameters in 1.3.5 above.

1.3. Frequency of Water Sampling Cruises and Station Sampling

1.3.1. Water samples and appropriate probe readings shall be collected when dumping operations are scheduled. Each station listed under Section 1.1 shall be sampled once each month. These samples shall be used to characterize the receiving waters at the disposal site.

1.3.2. The sample at Station 1 shall be taken prior to dumping activities.

1.3.3. Station 2 shall be sampled at a point within the plume immediately after discharge operations begin.

1.3.4. Stations 3 through 6 shall be sampled consecutively at intervals determined on-site by the chief scientist to allow efficient sampling of the discharge plume.

1.3.5 Station 7 shall be sampled at a point within the plume four hours after discharge operations cease.

1.3.6. The time of sampling and the triangulated position of each station shall be determined before each sample is taken.

2. MONITORING OF BIOLOGICIAL COMMUNITIES

2.1. Pelagic Resources

2.1.1. All sightings of fish, sea turtles, sea birds, or cetaceans near the disposal site shall be recorded including:

2.1.1.1. Time, location and bearing;

2.1.1.2. Species name(s); and

2.1.1.3. Approximate number of individuals.

2.2. Bioassay Study

2.2.1. Additional bioassay studies over those required in OD 86-01 will be required for research permit OD 87-01. Since the results of the bioassays, required in Section 2.2 of the monitoring program for OD 86-01, were not completed by the time of issuance of research permit OD 87-01, the tests listed below shall be performed to determine disposal material toxicity.

2.2.2. Acute toxicity tests of the DAF sludge from each of the permittee's facilities shall be performed on representative samples taken during the first, third and fifth months. These tests will be used to determine the toxic variability of the waste materials and to document potential environmental impacts at the dump site.

2.2.3. On the same day that DAF sludge samples are taken, one sample from the disposal vessel's hold shall be taken and a bioassay test shall be conducted on that material. On the sample day, each permittee shall determine and report the percentage that their DAF sludge constitutes in the barge load. These tests and data shall be used to assess the relative toxicity of the waste material being discharged into the ocean at the disposal site.

2.2.4. The test species shall include:

2.2.4.1. Planktonic copepod (Acartia sp.), or an isopod (Eurydice caudata) to be determined by the permittee and approved by EPA Region 9;

2.2.4.2. Mysid shrimp (Acanthomysis sculpta); and

2.2.4.3. California killifish (Fundulus parvipinnis).

2.2.5. The tests (96 hour LC50, mg/L) shall be performed in accordance with Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms (Third Edition), EPA 600/4-85-013, March 1985.

2.2.6. Reports on the results of the bioassay tests may be submitted independent of the required monthly monitoring reports as specified in Special Condition 5.2, if necessary. Bioassay test results shall be submitted no later than 60 days after the month that samples were taken to perform the required bioassays.

FACT SHEET

OCEAN DUMPING PERMIT OD 87-01 RESEARCH

STAR-KIST SAMOA, INC. AND SAMOA PACKING COMPANY, INC.
PAGO PAGO, AMERICAN SAMOA

I. Summary

The U.S. Environmental Protection Agency (EPA) Region 9 has received complete applications from Star-Kist Foods, Incorporated and Ralston Purina Company, Incorporated for ocean disposal of fish processing wastes off Pago Pago, American Samoa. The applications were made on behalf of their subsidiaries, Star-Kist Samoa, Incorporated and Samoa Packing Company, Incorporated, respectively. In accordance with EPA's authority established in Sections 101 and 102 of the Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA) (33 U.S.C. 1401 et seq.), the Regional Administrator has tentatively decided to issue a joint research permit to the subsidiary companies for ocean disposal of fish processing wastes over a six month period.

The monitoring program included in the research permit has been revised from the one required in EPA Region 9's ocean dumping permit OD 86-01. The program is designed to identify potential sources of pollution from the plant waste streams, to ensure that American Samoa Water Quality Standards are not violated, and to determine whether ocean dumping is likely to unreasonably degrade or endanger human health or the marine environment. EPA Region 9 will not proceed with final approval of this research permit without public comment, or the concurrence of the American Samoa Government and other Federal agencies required under EPA's Ocean Dumping Regulations at 40 CFR 220 through 229.

The draft research permit and the administrative record are available for public review at EPA's Regional Office, 215 Fremont Street, San Francisco, California and the Environmental Quality Commission, Office of the Governor, Pago Pago, American Samoa. The administrative record sets forth the principal facts and the significant legal, methodological and policy questions considered in the development of the research permit.

II. Description of the Proposed Project

A. Project Overview

The two fish canneries in American Samoa, Star-Kist Samoa and Samoa Packing Company, propose to ocean dispose of fish processing wastes at a dump site centered approximately 2.1 nautical miles south of Tutuila Island in 900 fathoms (5,400 feet or 1,800 meters) of water. The waste materials will be

transported to the site and discharged at a rate less than or equal to 1400 gallons per minute at a maximum speed of 10 knots within a 0.2 nautical mile radius circle.

The receiving waters, at the above location, are classified as "oceanic" by the American Samoa Water Quality Standards. These waters are characterized by low values for turbidity, nitrogen, phosphorus and chlorophyll a; a high degree of light penetration; near saturation values for dissolved oxygen; and a wide range of pH values. Four hours after dumping has ceased, concentrations of the above parameters must return to the ambient levels (40 CRF 227.27) defined in the American Samoa Water Quality Standards. EPA Region 9 will evaluate potential impacts to water quality based on the data obtained from the reference site stipulated in the permit, and the American Samoa Water Quality Standards.

B. Location of Disposal Site

If the permit is issued, transportation for the purpose of ocean dumping would terminate at, and waste disposal would be confined to a circular area with a 1.5 nautical mile diameter centered at 14° 22' 11" South latitude by 170° 40' 52" West longitude.

III. EPA's Authority To Issue Ocean Dumping Permits

A. EPA's authority to issue ocean dumping permits is defined under Sections 101 and 102 of MPRSA and at 40 CFR 220.4. The authority to issue research permits was delegated to the regional offices on July 25, 1984.

B. Section 101(b) of MPRSA authorizes the Administrator to issue permits necessary to conduct research. Section 101(b)(3) directs that EPA shall consult with the Secretary of Commerce to ensure that the potential benefits of a research permit outweigh any potentially adverse impacts during the study period. This subsection also limits the period of a research permit to six months.

C. Section 102 of MPRSA gives EPA the authority to issue permits for disposal of wastes other than dredge material. A formal site designation does not have to occur in order to issue a research permit. Future long-term use of this site will depend upon evaluation of data generated during the previous research permit (OD 86-01), results of monitoring contained in this proposed permit, and the applicants' demonstration of need regarding ocean disposal.

IV. Tentative Decision and Summary of Factors Considered in Reaching the Permit Decision

Star-Kist Samoa and Samoa Packing Company have applied for an Ocean Dumping Permit to dispose of their fish cannery wastes near Pago Pago, American Samoa. EPA Region 9 is planning to grant their application by issuing them a research ocean dumping permit for a period of six months.

Information developed during the permit period plus data from the previous permit (OD 86-01) will be used to determine whether dumping on a more permanent basis would unreasonably degrade or endanger human health, the marine environment, ecological systems or economic potentialities [33 U.S.C. 1412a(1)(B)]. The permittees will be required to conduct a revised EPA Region 9-approved site monitoring program, including laboratory analyses and possible bioassay tests, to document that environmental impacts in the ocean will not be unreasonable and that American Samoa Water Quality Standards will be met. This information will be used to augment EPA's efforts to formally designate an ocean disposal site according to the agency's voluntary environmental impact statement policy for ocean disposal site designation (39 FR 37119, October 24, 1974), and to issue a special ocean dumping permit under 40 CFR 227, if appropriate.

The scale of the proposed dumping during the research period is expected to have minimal adverse impact on human health and/or the environment. While more data are needed to confirm the absence of unreasonable adverse effects from the discharge of fish wastes adulterated with alum and a coagulant polymer, the existing data indicate that impacts at the site should be minimal. The primary environmental impact of the proposed discharges would be short-term increases in turbidity, inorganic nutrients, biological oxygen demand and ammonia during the dumping event. Preliminary scientific studies of ocean disposal of dissolved air flotation (DAF) sludge in American Samoa indicate that water quality parameters should return to ambient conditions following the period of initial mixing after an ocean dumping event (40 CFR 227.27). To ensure that American Samoa Water Quality Standards are not exceeded after the period of initial mixing, restrictive disposal rates and limitations on the waste material constituents are defined in the permit. Hence, EPA believes that the benefit of assessing the impact of the discharging fish cannery wastes outweighs any adverse impact that may occur as a result of permitting the discharge for six months.

V. Terms of the Proposed Permit

A. Description of Waste Material

During the term of the research permit, and in accordance with all other terms and conditions of the permit, the permittees would be authorized to transport for disposal into ocean waters quantities of waste material that shall not exceed the following amounts:

Waste Material	Star-Kist Samoa (gallons/day)	Samoa Packing Co. (gallons/day)	Total Permitted Discharge (gallons/day)
DAF Sludge	60,000	31,400	91,400
Precooker Water	100,000	13,300	113,300
Press Water	40,000	12,200	52,200
Total Maximum Daily Volume	200,000	56,900	256,900
Grit	100 tons	0	100 tons

B. Waste Material Limitations in the Proposed Permit

1. The Permitted Maximum Concentrations were determined based on waste material concentrations provided by the applicants in their amended permit applications.

Fish Processing Waste Material	Total Permitted Daily Volume To Be Dumped	Permitted Maximum Concentration Per Constituent	
DAF Sludge[a]	91,400 gal/day	Tot. Sus. Solids	219,000 mg/L
		BOD_5	269,000 mg/L
		Total Phosphorus	26,629 mg/L
		Total Nitrogen	44,854 mg/L
		Oil and Grease	345,000 mg/L
Precooker Water[a]	113,300 gal/day	Tot. Sus. Solids	65,000 mg/L
		BOD_5	82,100 mg/L
		Total Phosphorus	1,162 mg/L
		Total Nitrogen	9,930 mg/L
Press Water[a]	42,200 gal/day	Tot. Sus. Solids	239,000 mg/L
		BOD_5	144,200 mg/L
		Total Phosphorus	2,200 mg/L
		Total Nitrogen	18,210 mg/L
Grit[b]	100 tons/month	Solid Phase	
		Settled Solids	47.0% wet wt.
		Volatile Solids	28.3% wet wt.
		Moisture	53.9% wet wt.
		Liquid Phase	
		Tot. Sus. Solids	33.0 mg/L
		Total Nitrogen	271.3 mg/L
		Oil and Grease	17.9 mg/L

a = Maximum Permitted Concentrations are assumed to be highest if the vessel contains waste material only from the Star-Kist Samoa plant. Concentrations listed for each of the waste materials were provided by Star-Kist Samoa.

b = Star-Kist Samoa, Inc. only

2. The pH range for all waste material will be between 5.5 and 7.0 pH units.

3. The Permitted Maximum Concentrations and pH range, listed above, shall not be exceeded at any time during the term of this permit.

4. Detection limits have been specified for all analytical parameters (see Special Condition 3.1.2).

5. The American Samoa Government asked that they be given the responsibility to permit the disposal of grit (June 22, 1987). After discussions with representatives of Star-Kist Foods on July 14, 1987, EPA Region 9 determined that grit and waste streams flowing into the surge tank where grit settles may have waste water from plant washing operations, containing detergents and lubrication products. Since the plant is constructed in this configuration, grit derived from the surge tank would not be exempt under 40 CFR 220.1(c)(1) and is subject to permitting under Section 102 of MPRSA.

   EPA has not received an application to dispose of grit from the Samoa Packing Company. If the cannery desires to dispose of grit, then this material should be included in the formal application of ocean disposal.

C. Changes in the Monitoring Program

1. The locations of the sampling stations were changed to allow the permittees to monitor the disposal plume more closely over the entire period of dumping. This includes the four hour time period after dumping has ceased as specified by the definition of limiting permissible concentration at 40 CFR 227.27 (see Sections 1.1 and 1.3.1).

2. The maximum depth at which samples will be taken was changed from 20 to 10 meters because the disposal plume never reached the 20 meter depth (see Sections 1.2.3 and 1.3.5).

3. Detection limits have been specified for all parameters to be sampled (see Sections 1.2.2 and 1.3.5).

4. Requirements for plume/drogue tracking were combined into an overall sampling strategy that will allow better use of resources at the disposal site. More relevant data will be obtained using these new procedures (see Sections 1.4 and 1.5).

5. Additional bioassays may be need if circumstances beyond the control of the permittees prevent the full set of three bioassays from being completed as specified in the previous research permit (OD 86-01). An additional isopod bioassay test species, Eurydice caudata, has been added as a result of problems with control stocks at the laboratory employed by the permittees (see Section 2.2).

6. Permit reporting, in general, has been substantially strengthened and highlighted as a very important part of permit compliance (see General Condition 1.2.3; Special Conditions 3.3.2, 3.3.3, 4.6.1, 5.2, 5.3.2; and Section 2.2.5).

VI. Administrative Procedures

A. The processing of an ocean dumping permit consists of the following actions:

1. EPA receives a completed application (40 CFR 221).

2. EPA issues a tentative decision whether to grant or deny the research permit (40 CFR 222.2). A draft permit is the means by which EPA documents the intent to grant an ocean dumping permit.

3. A public notice is issued to announce EPA's intent to issue the permit (40 CFR 222.3). The notice contains the following elements: summary, tentative determination, hearing process, factors considered in reaching the tentative determination and the location of all information on the draft permit. Public notices describing EPA's intent to issue a permit are published in a daily newspaper in closest proximity to the proposed dump site and in a daily newspaper in the city in which EPA's regional office is located.

4. Before a final decision can be made on the research permit, formal consultation must be documented with the following agencies: American Samoa Government, U.S. Army Corps of Engineers, U.S. Coast Guard, National Marine Fisheries Service, U.S. Fish and Wildlife Service and the Shellfish Sanitation Branch of the Food and Drug Administration.

B. Initiation of a Public Hearing

1. Within 30 days of the date of the public notice, any person may request a public hearing to consider issuance or denial of the research permit or conditions to be imposed upon this permit. Any request for a hearing must be made in writing; must identify the person requesting the hearing; and must clearly state any objections to issuance or denial of the permit or to the conditions to be imposed upon the permit, and the issues to be considered at the hearing. In

accordance with 40 CFR 222.4, the Regional Administrator may schedule a hearing, at her discretion, based on genuine issues presented in the written request or the necessity to hold a public hearing.

2. Upon receipt of a written request presenting genuine issues amenable to resolution by a public hearing, the Regional Administrator determines a time and place for the hearing and publishes a notice of the hearing. All interested parties are invited to be present or represented at the hearing to express their views on the proposed issuance or denial of the permit. If a request for a public hearing is made within 30 days of the date of this notice and does not meet the above criteria, the Regional Administrator must advise the requesting person in writing and proceed to rule on the application.

3. Following adjournment of the public hearing, the Presiding Officer, appointed by the Regional Administrator, prepares written recommendations relating to the issuance, denial or conditions to be imposed upon the permit after full consideration of the views and arguments expressed at the hearing (40 CFR 222.6 to 222.8). The Presiding Officer's recommendations and the record of the hearing are forwarded to the Regional Administrator within 30 days of the hearing.

4. The Regional Administrator makes a determination whether to issue, deny or impose conditions on the permit within 30 days of receipt of the Presiding Officer's recommendations. She must give written notice of the decision to any person registered at the public hearing (40 CFR 222.9).

5. A final permit becomes effective 10 days after issuance, if no requests for an adjudicatory hearing are received. Requests for an adjudicatory hearing may be made within 10 days of receipt of the notice to issue or deny the permit (40 CFR 222.10 to 222.11). An appeal of the adjudicatory hearing decision may be made in writing to the Administrator within 10 days following receipt of the Regional Administrator's determination on the adjudicatory hearing (40 CFR 222.12).

VI. Additional Information

The copies of the applications, related documents, the fact sheet and the draft research permit are on file at the U.S. Environmental Protection Agency, Region 9, Oceans and Estuaries Section (W-5-3), 215 Fremont Street, San Francisco, California 94105 or the American Samoa Environmental Quality Commission, Office of the Governor, Pago Pago, American Samoa 96799. These documents may be inspected, and arrangements made for copying at a charge of $0.20 per copy sheet, at the above offices between 8:00 a.m. and 4:00 p.m., Monday through Friday. For further information on the research permit or questions pertaining to MPRSA regulations, please contact:

Patrick Cotter
U.S. EPA Region 9
Oceans & Estuaries Section
(W-5-3)
215 Fremont Street
San Francisco, CA 94105
(415) 974-0257

or Susan Cox
U.S. EPA Region 9
Office of Territorial Programs
(W-1-1)
215 Fremont Street
San Francisco, CA 94105
(415) 974-7432

In Reply
Refer To: W-5-3

RE: Tentative Decision to Issue a Research Ocean Dumping Permit to Star-Kist Samoa and Samoa Packing Company

Dear :

The U.S. Environmental Protection Agency (EPA), Region 9, has prepared a draft research permit under Section 102 of the Marine Protection, Research and Sanctuaries Act for Star-Kist Samoa, Inc. and Samoa Packing, Inc. This permit would authorize the companies to dispose of fish processing wastes from their canneries into the Pacific Ocean off American Samoa. We have determined that the scientific merit of the proposed project outweighs the potential environmental risks or other damage that may result from the dumping of fish processing wastes.

Information gathered during the term of this research permit and previous information gathered under ocean dumping permit OD 86-01 will be used to determine whether dumping of fish waste on a more permanent basis would unreasonably degrade or endanger human health, welfare or amenities; or the marine environment, ecological systems, or economic potentialities. The permittees will be required to conduct a revised EPA Region 9-approved site monitoring program, including laboratory analyses and possible bioassays.

EPA Region 9 has developed the following documents to support the tentative determination:

1. The public notice of the agency's action,
2. A fact sheet that describes the rationale behind the Agency's decision, and
3. The draft research permit which includes permitting terms and conditions.

If you have information or comments on the above matter, please submit your concerns in writing to Patrick Cotter at the EPA address listed in the public notice.

Sincerely,

Janet Hashimoto, Acting Chief
Oceans and Estuaries Section
Water Management Division

Enclosures

MAILING LIST FOR THE AMERICAN SAMOA
MPRSA FISH WASTE RESEARCH PERMIT OD 86-01

LATEST REIVSION - JULY 19, 1987
* Required under 40 CFR 222.3

Permittees - Fish Waste

Mr. Albert E. Cropley
President and General Manager
Star-Kist Samoa Inc.
P.O. Box 368
Pago Pago, American Samoa 96799

Mr. Frank Hackmann
Associate Counsel
Ralston Purina Company
Checkerboard Square
St. Louis, Missouri 63134

Mr. Jefferey R. Naumann
Manager, Environmental Engineering
Star-Kist Foods, Inc.
180 East Ocean Boulevard
Long Beach, California 90802

Mr. Manley Sarnowsky
Plant Manager
Samoa Packing Company, Inc.
P.O. Box 957
Pago Pago, American Samoa 96799

Federal Agencies - Washington, D.C.

Ms. Nancy Boone
Director, Office of Territorial Liaison
Office of Territorial and International Affairs
Department of the Interior
Washington, D.C. 20460

* Mr. J. David Clem
Chief, Shellfish Sanitation Branch (HFF-334)
U.S. Food and Drug Administration, Room 3029
200 C Street, S.W.
Washington, D.C. 20204

Mr. Ronald DeCesare
Director, Marine Operations Division
Office of Marine and Estuarine Protection (WH-556F)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Chief, Sancutary Program Division
National Oceanic and Atmospheric
Administration
2001 Wisconsin Avenue, N.W.
Washington, D.C. 20235

Federal Agencies - Hawaii

* Colonel F. W. Wanner
District Engineer
Department of the Army
U.S. Army Engineer District, Honolulu
Building 230
Fort Shafter, Hawaii 96858-5440
ATTN: Operations Branch

Mr. John Emmerson, Chief
Operations Branch
U.S. Army Corps of Engineers
Pacific Ocean Division
Building 230
Fort Shafter, Hawaii 96858-5440

Mr. Ernest Kosaka
Project Leader
Office of Environmental Services
U.S. Fish and Wildlife Service
300 Ala Moana Boulevard, Room 6307
P.O. Box 50167
Honolulu, Hawaii 96850

Dr. James Maragos
U.S. Army Corps of Engineers
Pacific Ocean Division
Environmental Branch
Building 230
Fort Shafter, Hawaii 96858-5440

* Mr. Alan Marmelstein
Pacific Islands Administrator
U.S. Fish and Wildlife Service
300 Ala Moana Boulevard, Room 5302
P.O. Box 50007
Honolulu, Hawaii 96580

* Dr. John Naughton
Acting Administrator
National Marine Fisheries Service
Southwest Region
Western Pacific Program Office
2570 Dole Street
Honolulu, Hawaii 96822-2396

* RADM A. P. Manning
Commander, 14th Coast Guard District
Federal Building
300 Ala Moana Boulevard
Honolulu, Hawaii 96850-4982

Captain T. Woods
Chief, Marine Safety Division
14th Coast Guard District
300 Ala Moana Boulevard, Room 9141
P.O. Box 50229
Honolulu, Hawaii 96850

Other Federal Agencies

Ms. Patricia S. Port
Regional Environmental Officer
Office of Environmental Programs
Department of Interior
450 Golden Gate Avenue, Room 14444
San Francisco, California 94102

Mr. Rolf Wallentron
Regional Director
U.S. Fish and Wildlife Service
Lloyd Five Hundred Building, Suite 1692
500 Multnomah Street
Portland, Oregon 97232

American Samoa

* Mr. Pati Faiai
Executive Secretary
American Samoa Environmental
Quality Commission
Office of the Governor

Pago Pago, American Samoa 96799

* Lt. John Holmes
U.S. Coast Guard Liason Office
P.O. Box 249
Pago Pago, American Samoa 96799

Mr. Raymond Tulafono
Director
Office of Marine and
Wildlife Resources
P.O. Box 3730
Pago Pago, American Samoa 96799

Director
Office of Coastal Zone Management
Office of the Governor
American Samoa Government
Pago Pago, American Samoa 96799

State of California

Mr. Richard Harris
Deputy Executive Officer
California Regional Water Quality
Control Board
Los Angeles Region
107 South Broadway, Room 4027
Los Angeles, California 90012-4596

Public Environmental Organizations

Mr. Martin Byhower
American Cetacean Society
1628 Armour Lane
Redondo Beach, California 90278

Mr. David Chatfield
Executive Director
Greenpeace Pacific Southwest
Fort Mason Center, Building E
San Francisco, California 94123

Executive Director
Fisheries Protection Institution
P.O. Box 867
Summerland, California 93067

Executive Director
Pacific Seafood Industries
P.O. Box 2511
Santa Barbara, California 93120

Executive Director
Sierra Club Hawaii Chapter
2510 Bingham Street
P.O. Box 11071
Honolulu, Hawaii 96828

Mr. Thomas Graff
Environmental Defense Fund, Inc.
2606 Dwight Way
Berkeley, California 94704

Dr. Jay D. Hair
Executive Vice President
National Wildlife Federation
1412 16th Street, N.W.
Washington, D.C. 20236

Mr. William Herlong
Covington and Burling
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044

Ms. Bettina Hughes
Executive Director
Oceanic Society Bay Chapter
Fort Mason, Building E
San Francisco, California 94123

Dr. George Losey
Acting Director
Hawaii Institute of Marine Biology
P.O. Box 1346
Kaneohe, Hawaii 96744

Ms. Jacquline Miller
Acting Associate Director
University of Hawaii
Environmental Center
2550 Campus Road
Honolulu, Hawaii 96822

Mr. Trent Orr
Natural Resources Defense Council
25 Kearny Street
San Francisco, California 94123

Dr. James Parrish
Hawaii Cooperative Fisheries
Research Unit
2528 The Mall
University of Hawaii
Honolulu, Hawaii 96822

Mr. John M. Ravnik
Seafarers International Union
of North America
350 Fremont Street
San Francisco, California 94105

Dr. Neal Shapiro
Environmental Resources Policy
The Cousteau Society
8440 Santa Monica Boulevard
Los Angeles, Califorina 90069

Mr. Ronald A. Zumbrun
President
Pacific Legal Foundation
555 Capital Mall, Suite 350
Sacramento, California 95814